

## SENATE.

TUESDAY, December 16, 1902.

Prayer by Rev. F. L. DAY, Ph. D., of the city of Washington.  
Mr. WILLIAM A. CLARK, a Senator from the State of Montana, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

## RECEIPTS AND EXPENDITURES IN CUBA AND THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, which will be read.

The Secretary read as follows:

WAR DEPARTMENT.  
Washington, December 12, 1902.

SIR: I have the honor to invite attention to the act of Congress entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1902, and for prior years, and for other purposes," approved July 1, 1902, and contained in Public Document No. 217, which is, in part, as follows:

"Statement of receipts and expenditures in Cuba and the Philippine Islands: To enable the Secretary of War to employ temporary force and to pay all necessary expenses, including rent of rooms, not to exceed \$1,500 in compiling for the information of Congress a detailed statement of the receipts and expenditures by the military government of Cuba since May 1, 1900, in continuation and completion of the statement heretofore furnished of such receipts and expenditures covering the period from the beginning of American occupation to and including April 30, 1900; and to enable the Secretary of War to pay all necessary expenses in compiling, for the information of Congress, a similar statement relating to the Philippine Islands of all receipts and expenditures from the date of American occupation, \$30,000, or so much thereof as may be necessary, to be available until expended."

In pursuance of said act the work of preparing the statements called for therein has been undertaken, and there are forwarded to you this day under separate cover four packages, as follows:

Package No. 1 contains detailed statements of revenues and expenditures in Cuba during the fiscal year ended June 30, 1901, comprising 4,146 pages.

Package No. 2 contains detailed statements of revenues and expenditures in Cuba for the period from July 1, 1901, to May 19, 1902, comprising 4,037 pages.

Package No. 3 contains detailed statements of expenditures in Cuba in the months of May and June, 1900, heretofore reported in totals only, comprising 169 pages. (For former report see Senate Document No. 445, Fifty-seventh Congress, first session.)

Package No. 4 contains detailed statements of expenditures made by Gen. Charles F. Humphrey and other officers, from funds advanced by the United States from Army appropriations, for barracks and quarters for the fiscal year 1900, which expenditures were charged against the revenues of Cuba by Executive order of July 11, 1899, and an amount equaling the total sums expended refunded by the Government of Cuba to the United States Government. This report comprises 14 pages.

Other statements, now in course of preparation, will be forwarded as rapidly as it is possible to complete them. These statements will include expenditures subsequent to May 19, 1902, out of an appropriation of \$100,000 retained from Cuban revenues, now being disbursed under direction of Brig. Gen. Leonard Wood, for settlement of the cost of preparing and printing the final official reports as well as certain accounts pertaining to the late military government of Cuba by the United States.

Statements of revenues and expenditures in the Philippine Archipelago from the date of occupation to the present time are in course of preparation, and will be transmitted when the tabulation is completed.

Very respectfully,

ELIHU ROOT,  
Secretary of War.

Hon. WILLIAM P. FRYE,  
President pro tempore United States Senate.

The PRESIDENT pro tempore. If there be no objection, the communication will be referred to the Committee on Relations with Cuba, and printed.

Mr. ALLISON. The exhibits seem to be very voluminous.

The PRESIDENT pro tempore. What is the suggestion of the Senator from Iowa? The Chair thinks that the accompanying papers also contain some items touching expenditures in the Philippines.

Mr. ALLISON. Very well; I suggest that the matter be referred to the Committee on Military Affairs, and if it is desirable to print it, let it be printed with their recommendation. I observed casually as it was read at the desk that there is one document of 1,440 pages accompanying the communication. I suggest that the question of printing be referred to the Committee on Military Affairs. I understand that the matter contains a detailed statement of the expenditures and receipts in Cuba.

The PRESIDENT pro tempore. It does.

Mr. ALLISON. That certainly must be a very voluminous document and the question whether it ought to be printed, it seems to me, should be submitted to some committee.

The PRESIDENT pro tempore. It also states that further communications and further statements will be made in relation to Cuba and in relation to the Philippine Archipelago. The question in the mind of the Chair is whether it should not go to the Committee on Printing and perhaps remain there until the further intelligence has been received.

Mr. ALLISON. I think that would be a wise course.

Mr. PLATT of Connecticut. Mr. President, I have just come into the Chamber, but I think I know what has been sent to the Senate. It will be remembered that some portion of the expenditures in Cuba has been printed by the Committee on Relations with Cuba for the use of the committee. There has been no general print. There are five large volumes, I think, that have been printed and distributed to members of the Senate. I believe a very proper disposition of the matter is to refer it to the Committee on Printing.

Mr. CULLOM. Mr. President, I am in harmony with the suggestion of the President of the Senate, that it be referred to the Committee on Relations with Cuba, and let that committee determine whether it is worth printing or not. It seems to me that would be the wiser course, unless we want to have the whole of the matter printed without reference to the value or the cost of it.

Mr. ALLISON. As I gather the purport of the letter, it is a recommendation for a deficiency; and then it gives with some detail the kind and character of work that is being done. If a deficiency appropriation is necessary, that is one question; but the question whether it is necessary to print all the receipts and expenditures of Cuba in detail is quite another matter, and it ought to be considered by the committee of which the Senator from Connecticut is chairman.

Mr. PLATT of Connecticut. I think the Committee on Relations with Cuba now has a large mass of this work in the committee room, with which we have done nothing, because we did not know what to do about it.

Mr. CULLOM. I think a reference to the Senator's committee is the best course.

Mr. PLATT of Connecticut. I have no objection to its reference to the Committee on Relations with Cuba to make recommendation as to what should be done.

Mr. ALLISON. If the immediate object of the communication is to secure an emergency appropriation, as I inferred from listening, as well as I could, to what was read at the desk, perhaps it should go to the Committee on Appropriations.

The PRESIDENT pro tempore. The Chair thinks it is rather an explanation of expenditures under an appropriation in the deficiency act which was passed at the last session of Congress, and not a request for a deficiency now.

Mr. ALLISON. Very well; but I know these voluminous documents should not be printed without the sanction of some one of the committees having charge of the subject.

Mr. CULLOM. If it is in order I will move that the communication and all of the accompanying papers shall be referred to the Committee on Relations with Cuba.

The PRESIDENT pro tempore. The communication from the Secretary of War will be printed and referred to the Committee on Relations with Cuba, and the accompanying papers will be referred to the Committee on Relations with Cuba without any order to print.

ALVA C. LAKE.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Alva C. Lake, executor of Daniel Lake, deceased, v. The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 257) to establish a light-house and fog-signal station at Mukilto Point, near the city of Everett, State of Washington.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10522) to provide for the laying of a single electric track across the Aqueduct Bridge in the District of Columbia, and for other purposes; and

A bill (H. R. 16057) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. BARNEY, and Mr. LIVINGSTON managers at the conference on the part of the House.

## PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Board of Trade of Worcester, Mass., and a petition of the Merchants'

Association of San Francisco, Cal., praying for the appointment of a permanent national tariff commission; which were referred to the Committee on Finance.

Mr. DRYDEN presented the memorial of Cyrus B. Crane, of Caldwell, N. J., remonstrating against the admission into the Union of the Territories of Arizona, Oklahoma, and New Mexico; which was ordered to lie on the table.

He also presented a petition of the International Association of Machinists, American Federation of Labor, of Hoboken, N. J., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Montclair, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Pulaski Monument Polish Central Committee, of Chicago, Ill., praying for the erection of an equestrian statue to the memory of the late Brigadier-General Count Casimir Pulaski; which was referred to the Committee on the Library.

Mr. QUAY presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation to open the Territory of Alaska to settlement and the mineral wealth of that district to the industry of the United States; which was referred to the Committee on Territories.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation to provide an educational test for immigrants to this country; which was ordered to lie on the table.

He also presented a memorial of the National Woman's Christian Temperance Union of Evanston, Ill., remonstrating against the admission into the Union of the Territories of Arizona and New Mexico unless there is a restriction against the practice of polygamy; which was ordered to lie on the table.

He also presented the petition of C. E. Nichols & Co., of Lowell, Ind., and a petition of the Commercial Club of Indianapolis, Ind., praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented a memorial of the New York Preachers' Meeting of the Methodist Episcopal Church, remonstrating against the restoration of the Army canteen; which was referred to the Committee on Military Affairs.

He also presented a petition of the New York Preachers' Meeting of the Methodist Episcopal Church, praying for the enactment of legislation to restrict illiterate immigration, and also for the suppression of liquor selling in United States immigrant stations; which was ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. SCOTT. I report favorably from the Committee on Pensions sundry bills for the senior Senator from Kentucky [Mr. DEBOE], who is detained from the Senate on account of sickness.

The PRESIDENT pro tempore. The reports will be received.

Mr. SCOTT (for Mr. DEBOE), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3773) granting an increase of pension to Leroy Roberts;

A bill (S. 2114) granting an increase of pension to Sarah B. Barger; and

A bill (S. 2111) granting an increase of pension to William Kepler.

Mr. SCOTT (for Mr. DEBOE), from the Committee on Pensions, to whom was referred the bill (S. 1914) granting an increase of pension to Elbert Chittum, reported it with amendments, and submitted a report thereon.

He also (for Mr. DEBOE), from the same committee, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 13669) granting an increase of pension to James H. McVicker;

A bill (H. R. 10339) granting an increase of pension to John L. Moore;

A bill (H. R. 9402) granting an increase of pension to Alexander Curd;

A bill (H. R. 13411) granting an increase of pension to Clarence D. Hess; and

A bill (H. R. 6727) granting an increase of pension to Remembrance J. Williams.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 3405) granting an increase of pension to W. H. H. Bouslough, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6006) granting an increase of pension to John Canty, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6526) granting an increase of pension to Orin T. Fall; and

A bill (H. R. 14478) granting an increase of pension to Luman Fuller.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2849) granting an increase of pension to Charles S. Ely;

A bill (H. R. 8309) granting an increase of pension to Sylvester Holiday; and

A bill (H. R. 8542) granting an increase of pension to Parmenas F. Harris.

Mr. GALLINGER (for Mr. PRITCHARD), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 12745) granting an increase of pension to Edmond Likes;

A bill (H. R. 12968) granting an increase of pension to John T. Mull;

A bill (H. R. 12430) granting a pension to Abner H. Lester;

A bill (H. R. 12424) granting an increase of pension to Wallace K. May;

A bill (H. R. 13332) granting an increase of pension to William G. Cantley; and

A bill (H. R. 12109) granting an increase of pension to Frederick Benefield.

Mr. GALLINGER (for Mr. PRITCHARD), from the Committee on Pensions, to whom was referred the bill (H. R. 11623) granting an increase of pension to John Blackler, reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 6408) to provide for a site for a depot for the Revenue-Cutter Service, reported it with amendments, and submitted a report thereon.

Mr. PATTERSON (for Mr. CARMACK), from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 11893) granting an increase of pension to Cornelia A. Dennis; and

A bill (H. R. 13449) granting an increase of pension to Mary A. E. Scott.

#### BUST OF LATE PRESIDENT M'KINLEY.

Mr. WETMORE. I am directed by the Committee on the Library, to whom was referred the joint resolution (S. R. 131) to purchase a bronze portrait bust of the late President McKinley from Mrs. Emma Cadwallader-Guild, to report it with an amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on the Library was, at the beginning of the joint resolution, to strike out the words "That a sufficient sum, as may be necessary, at their discretion" and to insert in lieu thereof "That the sum of \$3,000, or so much thereof as may be necessary;" so as to make the joint resolution read:

That the sum of \$3,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Joint Committee on the Library to purchase from Mrs. Emma Cadwallader-Guild her bronze portrait bust of the late President McKinley.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

#### INCREASED PENSIONS FOR LOSS OF LIMBS.

Mr. GALLINGER. Mr. President, on the 19th day of April last the Senate passed Senate bill 4850, the title of which is "To increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in



the same." The bill went to the other House and was amended in many important particulars and returned to the Senate, and upon my motion it was recommitted to the committee. The committee has been deluged with letters concerning the bill, some of which have not been overrespectful, but the committee is still of opinion that the bill ought to be passed in some form.

I am directed by the committee to report back the bill to the Senate, and I move that the Senate nonconcur in the amendments made by the House of Representatives and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. McCUMBER, and Mr. TALIAFERRO were appointed.

#### DISTRIBUTION OF CONGRESSIONAL RECORD.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the amendment of the House of Representatives to the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing, to report it back and recommend that the amendment be concurred in. I ask for the present consideration of the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The Secretary read the amendment of the House of Representatives, as follows:

Strike out all after the enacting clause and insert:  
"That the first and tenth paragraphs of the printing act of January 12, 1895, following the paragraph which reads 'The Public Printer shall furnish the CONGRESSIONAL RECORD as follows and shall furnish gratuitously no others in addition thereto' be amended by striking out of said first paragraph the words 'forty-four' between the word 'Senator' and 'copies' in the first line and insert in lieu thereof the words 'eighty-eight'; and by striking out the word 'thirty' between the words 'Delegate' and 'copies' in the fourth line of said first paragraph and insert in lieu thereof the word 'sixty'; and by inserting in the ninth line of said first paragraph after the word 'copies' and before the word 'to' the following: 'and to the Clerk for the use of members of the House of Representatives 50 copies.' And amend said tenth paragraph by inserting in the third line thereof between the words 'Museum' and 'one' the words 'the Department of Labor and Civil Service Commission' and further amend said tenth paragraph by striking out in the second line the word 'and' between the words 'Institution' and 'the.'"

Mr. PLATT of New York. It doubles the number of copies of the CONGRESSIONAL RECORD distributed to members of the Senate and House.

Mr. COCKRELL. Now let the bill be read as it would stand if the amendment is agreed to.

Mr. PLATT of New York. It doubles the number of copies that are to be furnished to Senators and members of the House.

The PRESIDENT pro tempore. The Secretary will read the bill as it would read as the committee propose to amend it.

The SECRETARY. The first paragraph referred to, if amended, would read as follows:

The Public Printer shall furnish the CONGRESSIONAL RECORD as follows, and shall furnish gratuitously no others in addition thereto:

To the Vice-President and each Senator, 88 copies; and to the Secretary and Sergeant-at-Arms of the Senate, each 20 copies; and to the Secretary for office use, 10 copies; to each Representative and Delegate, 60 copies, of which number 8 copies shall be sent by the superintendent of documents, 1 each to such public or school libraries other than designated depositories as shall be designated for this purpose by each Representative and Delegate in Congress; and to the Clerk and Doorkeeper of the House, each 20 copies; and to the Clerk for office use, 10 copies; and to the Clerk for the use of members of the House of Representatives, 50 copies, to be supplied daily as originally published or in the revised and permanent form bound only in half Russia, or part in each form, as each may elect.

The tenth paragraph, if amended, would read as follows:

To the library of each of the eight Executive Departments, and to the Naval Observatory, Smithsonian Institution, the United States National Museum, the Department of Labor, and Civil Service Commission, 1 bound copy.

Mr. HALE. There is so much confusion in the Chamber it is impossible to hear. What is the bill?

The PRESIDENT pro tempore. The Senate will please be in order. Is there objection to the present consideration of the bill (S. 2296) to amend an act approved March 2, 1895, relating to public printing? It is a bill practically doubling the number of copies of the CONGRESSIONAL RECORD given to each Senator and to each member of the House.

Mr. HALE. There was so much noise in the Chamber that I could not tell from the reading what the bill contained. I wanted to have the Senator from New York state to the Senate just what the bill comprehends. If, as the Chair has indicated, that is all, I have no further objection.

Mr. PLATT of New York. That is what I stated, and I repeat that it doubles the number.

Mr. HALE. None of us heard it.

Mr. COCKRELL. I wish to make one inquiry of the Senator from New York. Does the bill change the number of copies which are furnished to the Senate for the use of Senators? I believe it is 10 copies now, under the law. Does it change that?

Mr. PLATT of New York. It doubles the present number, which is 44.

Mr. HALE. I thought from the reading there was something read which indicated that there were 10 copies given to the Senate.

Mr. PLATT of New York. It doubles the number to 88.

Mr. COCKRELL. But there is a certain number furnished here to the officers of the Senate for the convenience of the Senate. The question is whether that is stricken out, or whether it remains, or whether the number is increased. It ought not to be stricken out; that is all.

Mr. PLATT of New York. It is an increase and not a decrease. I can not explain it any further than that it doubles the number of copies given at present to Senators and Members.

The PRESIDENT pro tempore. The question is on concurring in the amendment of the House of Representatives.

Mr. BAILEY. Mr. President, I have no desire to say even a word about the bill, but I wish to call the attention of the Committee on Printing to a matter that I have adverted to twice before, and that is the irregular order in which the Printing Office prints the post-office nominations sent to the Senate. They ought to be printed according to the State, in alphabetical order. It is not exactly agreeable to a Senator to be compelled to examine every single post-office nomination sent to the Senate in order to see those in his own State. Under the present practice a nomination for Texas may be either above or below the nomination for New York. I have absolutely no interest in the post-office nominations for New York, nor has the Senator from New York any interest in the post-office nominations for Texas. It ought to be easy for any Senator by a glance at the RECORD to see all the nominations relating to his own State. That is the end of his interest.

This, of course, is not a matter for legislation. It is merely a matter of regular and orderly printing of the nominations in the RECORD.

Mr. BLACKBURN. And all the nominations for the same State are not printed in succession.

Mr. BAILEY. As the Senator from Kentucky very properly says, all the nominations for the same State are not always printed in succession. It is so easy for the Public Printer to do that, I suggest to the chairman of the Committee on Printing that he take it up with the Public Printer.

Mr. ALLISON. I think the suggestion made by the Senator from Texas is a very good one. The confirmations or nominations for all the States should be alphabetically arranged.

Mr. TILLMAN. Mr. President, I merely rose to inquire whether this particular thing which we all agree ought to be done is in the jurisdiction of the Committee on Printing, or is it in the jurisdiction of the Committee on Rules? As I understand it, the Printer merely prints the copy as furnished by the reporters and by the clerks, and whoever has jurisdiction over those who have charge of the preparation of the copy for the Printer, the committee or the authority of this body, can merely extend the order. It is not under the jurisdiction of the Committee on Printing, I am sure, because it is simply to prepare the copy for the Printer in such a way that the nominations from each State shall be in alphabetical order, so that a man can find out as soon as he looks at the RECORD what nominations from his State have been sent in here or what confirmations have been made; that is all. They are now all higgledy-piggledy, heads and tails, all mixed up together.

Mr. HOAR. Will the Senator from South Carolina allow me to interrupt him for a moment?

Mr. TILLMAN. I was through, but I shall be glad to get any information.

Mr. HOAR. I merely desire to say that my understanding has been that the Public Printer exercises all his duties under the general superintendence of the Committee on Printing, so far as they relate to the printing for the use of either of the two Houses. It is a joint committee, and any matter of the kind mentioned by the Senator from Texas suggested privately to the chairman of the Committee on Printing would receive undoubtedly the approval of that committee, and they would see that it was done. It does not require any order of the Senate at all as to the order in which the RECORD is printed, unless we choose to make a special order. I have no doubt that all that is necessary is the suggestion made in private. I have known of such suggestions made in private occasionally to the committee, and they have been carried out.

Mr. BAILEY. I will say to the Senator from Massachusetts, if the Senator from South Carolina will permit me, that I had no thought myself of proposing any order of the Senate. I simply made the statement in open Senate, and in the way of a suggestion to the chairman of the Committee on Printing, to have this printing done in the mode precisely that the Senator says is the proper way.

While on my feet, I will say to the Senator from South Carolina that no matter what the order might be in which the clerks of the Senate furnish the list of nominations or confirmations to the



Public Printer, the list might go into the hands of different printers, being divided there among a number, and the different printers might have their matter ready for the press in a different order, and therefore the order in which the clerks furnished the names to the Printing Office would not secure the order which we all desire. The only way to do it is at the Printing Office, and I take it that all that is necessary in order to secure the change is this open suggestion to the chairman of the Committee on Printing.

Mr. TILLMAN. Mr. President, in view of the long service of my distinguished colleagues from Massachusetts and Texas, I presume to throw out an idea of my own here with great diffidence.

I still insist that the copy for the CONGRESSIONAL RECORD is officially furnished the Printer by the clerks and the reporters of the Senate, and that the Public Printer has no authority or right to alter or change or transpose anything sent him by these officials. Therefore the jurisdiction of the Committee on Printing does not extend to ordering the Printer to change the copy as sent him.

Now, I may be right or I may be wrong. We are disagreeing here more about form than about substance. Of course it is a question merely for somebody to extend this suggestion or instruction, whatever it may be called, to the clerks who prepare the copy. No doubt they will be very glad to accommodate Senators and arrange these matters to our satisfaction, for our quick comprehension of what we are interested in.

But I still stick to my position that it is not the Committee on Printing who have this matter in hand. The Public Printer is not to blame, nor can any trouble arise from the piecing out of copy to different compositors, as I happen to know, for I have been there to get speeches of my own, which I was anxious to revise. I have once or twice been in the Government Printing Office way after midnight, and I know that, when there is a rush, while the foreman cuts off slices, so to speak, of the copy furnished him, those slices always come back into the place where they belong, and there is no mixture there.

I thought it was nothing but right that the Public Printer should be absolved from any blame in this matter. And there is no blame anywhere, so far as I can see. It is merely a question as to where rests the authority and who is to be the one responsible for giving this order.

Mr. BACON. Mr. President, I do not rise for the purpose of opposing the amendment. On the contrary, I am in favor of it; but I wish to say one word in connection with the matter of the distribution of the RECORD. I think this amendment of course is in the right direction, as anything is in that direction, in my opinion, which tends to more generally distribute the RECORD among the people. But even this is entirely inadequate to the needs. The RECORD is something which, by reason of the high price put upon it, is entirely out of the reach of the people of the United States. So far as the distribution is concerned, it amounts to very little. For instance, even under this increased number the great State of New York, probably with six or seven million people, will get only about 3,000 copies, which amounts to nothing; and the State of Georgia, with two and one-half million people, will get only somewhere between 1,000 and 2,000 copies.

Mr. GALLINGER. Mr. President—

Mr. BACON. Now, if the Senator will pardon me just a moment, I will state my only object in rising. At the last session of Congress I introduced a resolution which instructed the Committee on Printing to examine and report to the Senate the feasibility of putting down the price of the RECORD to such a low rate that it will be practicable for people generally to subscribe for it. The present price is absolutely prohibitory to the large mass of the people of the United States.

I recognize, Mr. President, that at the present short session it is impossible to bring this matter properly before the attention of Congress. I only desire to remind the honorable chairman of the Committee on Printing that there is before his committee that resolution which has never been reported back to the Senate, and to express the hope that if it is impracticable at the present session, at the next session it will be practicable for the Committee on Printing to take up and examine and report to the Senate what may be practicable in the way of putting the CONGRESSIONAL RECORD at a price which will place it within the reach of the general reading public.

Mr. SPOONER. Only a word, Mr. President. I call the attention of my friend from South Carolina [Mr. TILLMAN], bearing on the question of jurisdiction which he raised, to section 13 of the Standing Orders of the Senate in relation to the Joint Committee on Printing, which provides as follows:

SEC. 13. The joint committee shall have control of the arrangement and style of the CONGRESSIONAL RECORD, and while providing that it shall be substantially a verbatim report of proceedings, shall take all needed action for the reduction of unnecessary bulk, etc.

The whole jurisdiction is given by the rule to that committee. The suggestion made by the Senator from Texas [Mr. BAILEY]

is therefore properly made, and I suppose it will be taken into consideration by the Committee on Printing. It is for them to determine.

Mr. GALLINGER. Mr. President, I notice one omission. Under the existing law 10 copies are furnished to the Senate; so that if a Senator has a request for a copy of the RECORD containing a speech or some other matter that his constituents may be interested in the officials of the Senate can usually furnish that copy out of the 10 copies that they have at their disposal. Inadvertently that has been omitted, and I move to amend by inserting:

To the Sergeant-at-Arms, for the use of the Senate, 20 copies.

Mr. PLATT of New York. I accept that amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the House of Representatives will be stated.

The SECRETARY. It is proposed to amend the amendment by adding:

To the Sergeant-at-Arms, for the use of the Senate, 20 copies.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

#### ADDITIONAL DISTRICT JUDGE IN MINNESOTA.

Mr. NELSON. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 6461) providing for an additional district judge in the district of Minnesota, to report it favorably without amendment. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. QUARLES introduced a bill (S. 6600) to amend an act entitled "An act to protect trade and commerce against unlawful restraint and monopolies," approved July 2, 1890; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ELKINS introduced a bill (S. 6601) granting a pension to William McGee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6602) granting a pension to Mattie Aten; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6603) for the relief of the estate of James G. Hurst, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6604) for the relief of St. Clair Nicely; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6605) granting a pension to John M. Reimer (with the accompanying papers);

A bill (S. 6606) granting an increase of pension to W. F. Nichols; and

A bill (S. 6607) granting an increase of pension to Fordyce M. Keith.

Mr. PENROSE introduced a bill (S. 6608) to provide for the rebuilding of the Aqueduct Bridge, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6609) granting an increase of pension to Edwin Allbright; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6610) granting a pension to Joseph N. Lorio; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6611) for the relief of James E. Byram; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLATT of New York introduced a bill (S. 6612) for the relief of George W. Armstrong; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6613) granting an increase of pension to Charles E. Thomas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 6614) granting an increase of pension to Bertha R. Koops; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 6615) granting an increase of pension to Richard A. Larimer; which was read twice



by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEARNS introduced a bill (S. 6616) granting an increase of pension to Patrick Donnelly; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CLARK of Montana introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6617) granting an increase of pension to James M. Clemens;

A bill (S. 6618) granting an increase of pension to David Noble;

A bill (S. 6619) granting an increase of pension to John W. Miller; and

A bill (S. 6620) granting an increase of pension to Richard R. Robinson.

Mr. SCOTT introduced a bill (S. 6621) granting a pension to George W. Arnold; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6622) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and for other purposes; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. NELSON introduced a bill (S. 6623) granting an increase of pension to Gilbert E. Bushnell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6624) granting an increase of pension to William W. Herrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER (by request) introduced a bill (S. 6625) to amend an act to regulate the practice of pharmacy in the District of Columbia, approved June 15, 1878; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 6626) to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PATTERSON introduced a bill (S. 6627) granting an increase of pension to Daniel Jones; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6628) defining the jurisdiction of United States courts in causes to which corporations are parties; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PATTERSON. I will state that the bill is intended to represent the desires of a very large and respectable number of people of the country, and they have had prepared for the benefit of Congress an argument and brief touching upon and relating to it. I ask that it may be printed as a public document. It is not long.

The PRESIDENT pro tempore. The Senator from Colorado asks that the document which he sends to the desk may be printed as a Senate document. Is there objection?

Mr. ALLISON. What is the document?

The PRESIDENT pro tempore. Its title will be stated to the Senate.

The SECRETARY. Argument and brief in support of a bill relating to the jurisdiction of Federal courts over corporations, written, by request, by Henry Cohen and James J. Sullivan, of the Denver bar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

Mr. TILLMAN introduced a bill (S. 6629) to authorize the President to nominate as second lieutenant of infantry in the United States Army on the retired list the oldest enlisted man on the rolls of the Army; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced a bill (S. 6630) granting an increase of pension to John A. J. White; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 6631) granting an increase of pension to Mitchell Hunt; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6632) granting an increase of pension to Frank Cleaves; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6633) granting an increase of pension to James Shaffer;

A bill (S. 6634) granting an increase of pension to John W. Branch (with an accompanying paper);

A bill (S. 6635) granting an increase of pension to John P. Brown (with an accompanying paper); and

A bill (S. 6636) granting an increase of pension to Herbert C. Miller (with an accompanying paper).

Mr. BEVERIDGE introduced a bill (S. 6637) to reimburse Allen W. Phillips for moneys paid for a substitute in the military service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HOAR (by request) introduced a bill (S. 6638) to authorize the purchase by the United States of the property situated in the District of Columbia known as the Halls of the Ancients; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a joint resolution (S. R. 144) authorizing the Secretary of the Navy to reimburse certain of the employees in the United States navy-yard and naval gun factory at Washington, D. C., for lost time, due to deficit in naval appropriation; which was read twice by its title, and referred to the Committee on Naval Affairs.

#### AMENDMENTS TO BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate \$2,062.06 to pay Pacific Pearl Mullett, administratrix of the estate of the late Alfred D. Mullett, the balance due him on account of compensation and expenses as commissioner appointed on the navy-yard commission, under the provisions of the act of August 5, 1882, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. 6331) to provide for laying a single electric railway track across the Aqueduct Bridge in the District of Columbia, and for other purposes; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. FRYE submitted an amendment proposing to increase the salary of the minister to Norway and Sweden from \$7,500 to \$10,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Foreign Relations.

#### REPORT ON REINDEER IN ALASKA.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be directed to transmit to the Senate the report of Dr. Sheldon Jackson upon "The introduction of domestic reindeer into the district of Alaska," for 1902, with map and illustrations.

#### HOUSE BILLS REFERRED.

The bill (H. R. 10522) to provide for laying a single electric railway track across the Aqueduct Bridge, in the District of Columbia, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. 16057) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903, was read twice by its title.

#### ANTHRACITE COAL STRIKE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

#### ISTHMIAN CANAL COMMISSION.

Mr. MORGAN. Mr. President, on yesterday the bill (S. 6594) to fix the compensation of the members of the Isthmian Canal Commission to be appointed under the provisions of the act "to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, and for other purposes, had its first and second readings, was laid upon the table, and ordered to be printed. I now move that it be referred to the Committee on Inter-oceanic Canals; but before doing so I wish to correct the print in one particular. In line 11, on page 5, I desire to strike out the word "breadth" and insert "health," which is a misprint.

The PRESIDENT pro tempore. That correction will be made, in the absence of objection.



Mr. MORGAN. Mr. President, I desire for a few moments to explain the object of this bill, in order to lay before the Senate and the country some facts connected with it.

The bill in its first section provides, as is required to be done by the act of June 28, 1902, for the salaries of the members of the Isthmian Canal Commission. No provision is made in the law of June 28, 1902, except to leave these salaries to the discretion of the President. Provision for salaries is left to be acted upon by Congress at such time as it may seem proper to act.

I think it is of very great importance that Congress should fix the salaries of these gentlemen before they are appointed, because, in my opinion, at least, if the salaries are fixed at any reasonable sum it will cut down a great number of applicants who are now pressing the President of the United States for appointment. It will also give the country to understand that a careful economy is to be observed in the construction and management of this great work. My own opinion is—I have put it in the bill, and it is only my opinion, for no member of the committee of which I have the honor to be chairman has conferred with me about it—my opinion is that \$5,000 a year is a proper salary for each of the seven commissioners who are to be put in charge of this work, together with such allowances for traveling expenses as would be made in the case of a brigadier-general traveling in the service of the Government.

The salary of \$5,000 a year corresponds with the salaries of Senators; and the tenure of office is for life, unless the canal is built before they die. This tenure would be an inducement to the acceptance of a seat in the Senate, even to very distinguished men, as it is a comfortable sum as an annuity for life. So I suppose that gentlemen who are not particularly careful about money matters—about making money out of this job—or those who are willing to work for fair pay, will be entirely willing to fill up these offices and perform the duties of commissioners for \$5,000 a year and traveling expenses.

Another section of the bill provides for the appointment by the President of a chief engineer of this work, or his assignment from the Army at a salary of \$10,000 a year, with proper allowances for traveling, etc. These salaries and the salaries of the chief surgeon and the paymaster are to be paid upon the requisition of the chairman of the Isthmian Canal Commission upon the Treasury of the United States in each case. The salary of the chief engineer I put at \$10,000, double that of any of the commissioners, because of his responsibilities and because of the immense amount of labor that will be cast upon him necessarily during the construction of the canal. It is a vast undertaking for any man. It requires a man of high ability, and he ought to be very well paid for the work. He is required to be there nearly all of his time looking after the location of this canal and the work that is done upon it, and in supervising all of the inspectors and all of the engineers who have any connection with the work. Therefore his salary ought to be full compensation for a man of great abilities as an engineer, and for extraordinary labor and responsibilities.

The law now provides for the assignment of engineers to assist the commissioners without designating any of them as being chief engineer, and the object of this provision is to meet that omission in the law. It is indispensable to have an engineer in chief to consult with the Commission and to execute their orders. There are to be four engineer commissioners, and in case of equal division of opinion between them on engineering questions, the opinion of the chief engineer of the canal might be a matter of vital consequence. I think that such an officer will be the most useful man, as he will be the most responsible person connected with the construction of the canal.

The payment of money on account of all expenditures, except for the salaries of officers, as provided in this bill, is to be made by paymasters of the Army of the United States under all the legal obligations and all the penalties resting upon them. They are to draw the money upon requisition made by the Isthmian Canal Commission from time to time, and they are to keep it and account for it and pay it out as officers of the Army of the United States are required to do and under the same penalties.

I think that that provision, Mr. President, is of the greatest possible importance. We know what has occurred in regard to an officer of the Army who is charged with, and has been convicted, and I suppose he is guilty of embezzlement to a large amount in connection with public works; and it is necessary that the officer who handles this money shall be subject not only to criminal proceedings in the civil tribunals, but also to military court-martial. It is an enormous fund—\$180,000,000—and it will be handled by this officer.

The safeguard of a treasurer's bond is an inadequate security as compared with the official liabilities of a paymaster in the Army of the United States.

The bill provides for the assignment by the President of the United States of a paymaster in chief to take charge of this matter, and such assistant paymasters as he may from time to time

designate, fixing the salary of the paymaster in chief at the same rate with that of the commissioners and the salaries of the assistant paymasters at \$4,000 each.

A surgeon in chief is also provided for, and he is to be detailed from the surgeons of the Army or the Navy, and such assistants as he may require are to be in like manner detailed by order of the President of the United States.

Mr. SPOONER. Will the Senator allow me to ask him a question for information?

Mr. MORGAN. Yes.

Mr. SPOONER. I got the impression from what the Senator said, as I listened to him, that the chief engineer was to be one of the commissioners.

Mr. MORGAN. Not at all. There are four engineer commissioners now, and they are put on that Commission of course for the purpose of supervising the chief engineer and all others subordinate to his authority.

Mr. HALE. To what bill is the Senator referring as the bill which fixes these salaries?

Mr. MORGAN. To the bill that I am now proposing.

Mr. HALE. It is not the report of a committee?

Mr. MORGAN. No; the bill has been read the second time, and I am explaining it before it goes to the committee.

Mr. President, that is a general and perhaps a sufficiently substantial statement of the general programme of this bill in regard to the fixing of the salaries, etc.

I return now for one moment to the question of the commissioners. There are seven of them. It has always been my opinion that they are unnecessary in the further prosecution of this work. The Secretary of War should have had charge of it; it should have been a Government work from beginning to end, without interference on the part of anybody, but Congress has fixed it otherwise, and therefore I have no remark to make in opposition to the action of Congress, and no commentary to make upon it further than to state what is my own view of the subject.

I am not trying in this bill to change that act of Congress in the slightest degree, but to so provide as that it can be more effectually executed through the assistance of the seven commissioners. The Isthmian Canal Commission, nine in number, that was in existence, and is in supposititious existence to-day—I do not know when those commissioners will ever cease to hold office—have received during their term of office \$265,500 for their services. They have spent, according to the testimony of Colonel Ernst, two weeks on the Isthmus of Panama, in the month of January, the healthy season.

Why they left in two weeks I am unable to say, unless they were afraid of yellow fever, which now prevails in Panama, as is shown by some thirty-four patients who are in the hospital at Portsmouth, Va. They are marines and officers of the *Panther*, which arrived in that port a few days ago, one of their number having died at Colon. Those patients include two officers, and, besides, a number of convalescents, who have been granted shore leave in order that they may go about and get well. I suppose that the Commission might possibly have met with some such condition at Colon while they were there in January, 1901, or they may have left because they were entirely satisfied that they knew all about the subject after two weeks' observation. The Isthmian Canal Commission spent six weeks in Nicaragua and about the same length of time in Paris.

Now, Mr. President, I have looked through this whole history from the beginning to the end of this project, commencing with the history of the Suez Canal and coming down through all that has been done about it. The Suez Canal itself, although it was a strictly private enterprise, was loaded down by promotion and other charges to the amount of nearly \$50,000,000, on which they are now paying dividends, without anything having been earned by these promoters except their activity in getting the canal in condition to raise more on its stock and bonds.

The old Panama Canal Company proper spent \$260,000,000, of moneys drawn from the French people. In expending that money they dug a ditch, which comprises, possibly, two-fifths of the actual digging of earth and removing it to embankments, without any structure whatever connected with the canal; and that is all that has been realized out of the expenditure of \$260,000,000, except a plant that is of little use in the further prosecution of the work on the canal and stock in the Panama Railroad.

We have spent very large amounts in gaining information and opinions about this canal project; we have spent a large sum in surveys—one made by Childs in Panama, another made by Childs in Nicaragua, two surveys made by Menocal, a commission headed by an officer of the Army, Ludlow, and in the first Walker Commission, and the Isthmian Canal Commission. We have had three commissions and three surveys, for which the Government has paid for the information we have got now; and after purchasing this information at that enormous price, we do not know whether to take it or not. We have not determined



whether to accept it or whether to throw much of it away. But the right time to begin for a wise, just, liberal, and at the same time economical administration of the affairs of that canal, wherever it may be located, is right now, and the Congress of the United States ought to fix the pace of expenditure in this matter before we begin to dig or before we have located finally the axial line of this canal. I conceive it to be my duty as chair of the committee to bring the matter to the attention of the country at the present time.

I have mentioned the gross amount of the compensation of the commissioners as \$265,500. They reported and have been allowed out of the \$1,075,000 which has been appropriated for purposes connected with their work, \$697,353.63, which is thus expressed in the report made by the Secretary of State in response to a resolution of the Senate:

Pay of officers and employees, including pay of laborers in Central and South America, \$697,353.63.

Mr. HALE. Has the Senator the figures there to show, generally, the schedule of salaries that were given to the commissioners on that Commission?

Mr. MORGAN. I have no official information on that subject, Mr. President, from any source. I have been trying for months to get it. The common report is that each of the commissioners gets \$1,000 a month, or \$12,000 a year for his services. I have no doubt that is true.

Mr. HALE. Does the Senator mean to say that nobody knows and nobody can find out how much those gentlemen have received?

Mr. MORGAN. I did not say that. I said I did not know it. I tried my best and I could not find out. That is what I said. I have attempted it by resolution of the Senate, and the response to that resolution is this statement in gross, which I have just read:

Pay of officers and employees, including pay of laborers in Central and South America, \$697,353.63.

Not being satisfied with that return, I telegraphed Mr. Hay yesterday, asked him for a more specific return, and especially mentioned the fact of the salaries of the commissioners. He replied this morning that it would take quite a length of time to get an itemized account.

Mr. COCKRELL. I did not catch what the Senator said was the reply of the Secretary.

Mr. MORGAN. I will read it. He says:

It will be impossible to comply with your request to furnish the additional detailed report of the expenses incurred by the commissioners and engineers of the Isthmian Canal Commission within the time you indicate.

I had indicated to-day.

The records are all in the possession of the Auditor for the State Department, and it will be necessary for us to get the records from the Treasury Department in order to make the statement you desire. This will take at least several days of diligent work employing all of our available force.

JOHN HAY.

Mr. HALE. Now, let me ask the Senator, if he should put in a resolution—his resolution is rather general and involves a great deal of work—if he should put in a resolution asking for information to be sent to the Senate as to what sums have been allowed and paid to this Commission as salaries, he ought to get an answer to that the next day.

Mr. MORGAN. Yes, sir; we ought to do a great many things we are not able to do.

Mr. HALE. But clearly that matter in which we are interested now, as to the salaries of the other commissioners, we certainly ought to have. The Senate ought to know what sums have been paid that Commission as salaries, not connected with other questions of expenses and disbursements, but what they have received as salaries. I should like to know that myself.

Mr. MORGAN. I said in my place, Mr. President, that my opinion, formed from conversation with various gentlemen, some of them officials, was that the commissioners had received a thousand dollars a month during the whole time of their service, which has been twenty-nine and one-half months.

Mr. COCKRELL. And expenses in addition?

Mr. MORGAN. Oh, yes.

Mr. HALE. Of which time how much has been spent on the Isthmus? How much time of these twenty-nine months, in which these gentlemen have been receiving probably a thousand dollars a month besides expenses, has been spent in service and duty on the Isthmus?

Mr. MORGAN. Six weeks in Nicaragua and two weeks in Panama.

Mr. HALE. Eight weeks, or two months out of twenty-nine months.

Mr. MORGAN. Yes. I quote from the testimony of Colonel Ernst that I have before me, and will put it in the RECORD:

Senator KITTREDGE. How many trips have you made to the Isthmus since your connection with the Commission?

Colonel ERNST. Only one.

Senator KITTREDGE. And about when was that?

Colonel ERNST. We went down in January, 1900, and we were there about three months.

Senator KITTREDGE. How much time did you spend on the Nicaragua route?

Colonel ERNST. About six weeks.

Senator KITTREDGE. And the balance of the time on the Panama?

Colonel ERNST. Yes, and in traveling, getting there—about two weeks in Panama.

Mr. HALE. And the Senator thinks the commissioners received for the whole time, no matter where they were or what they were doing, \$1,000 a month, besides all expenses?

Mr. MORGAN. That is right.

Mr. HALE. That is a very remarkable statement.

Mr. MORGAN. It is a very true one.

Mr. HALE. I do not question it. Certainly we ought to do something to bring out that fact.

Mr. MORGAN. And it shows the necessity of doing something right now to regulate these expenses before we go on with this great work. In addition to the expenditure for—

1. Pay of officers and employees, including pay of laborers in Central and South America..... \$697,353.63

There are the following expenditures:

2. Transportation of officers, employees, and laborers from and to the United States, including freight charges on machinery and provisions used in connection with the survey in Central and South America.....	79,379.63
3. Instruments, machines, tools, etc., used in surveys and investigations of the various canal routes.....	58,354.76
4. Provisions for use of field parties and others, including expense of Indian treaty, in Central and South America.....	130,922.48
5. Surgical instruments and supplies, medicines, and medical expenses.....	3,009.20
6. Rent of offices in the United States.....	5,397.28
7. Expense of publishing the report of the Nicaraguan Canal Commission.....	9,875.25
8. Camp outfits, canoes, books, paper, inks, and miscellaneous supplies used in making computations; maps, profiles, plans, etc.; furniture, postage, telegrams, cablegrams, and miscellaneous items difficult to classify.....	52,189.84

Total..... 1,036,481.57

So the Government of the United States has paid every expense, of course, that has been incurred in connection with this subject. I am not complaining of it at all; I do not propose to criticize it in the slightest degree; but I merely want to know what the items are, and, of course, I can ascertain them by a resolution which is a little more specific. I thought, Mr. President, that this resolution was specific enough. I will read it:

Resolved, That the Secretary of State is directed to send to the Senate a statement of the expenditures of the Isthmian Canal Commission, under the act approved March 3, 1899, "making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," as the same are accounted for by said Isthmian Canal Commission, and also whether there is any deficit in the appropriation which is to be or has been provided for by further appropriations.

I thought when we got the information in the manner in which the Commissioners had accounted we would get all the information that could possibly be needed. We might not want the itemized account for every little expenditure, but these are footed up, and it would be satisfactory if we could get the amount of the vouchers. Of course, the salaries drawn by these gentlemen have been paid on vouchers, and their expenses of travel have been paid on vouchers, and there could be some information gained from a report of that sort, without going into every item of expenditure, which would be quite satisfactory to Congress.

Mr. President, I am not on the floor this morning for the purpose of criticising anything that has been done by the Isthmian Canal Commission or anybody else. They have done what they thought was their duty, and I am not making a criticism or finding fault with them at all. But I am using the matter that is before the Senate for the purpose of informing this body that it is now necessary, in advance of striking one lick upon the canal, to make such provision as will prevent us from running into the horrible iniquities and frauds of the old Panama Canal Company and the new one, who have spent more than \$260,000,000 upon that canal in one way and another and have nothing to show for it but two-fifths of a ditch there, which itself has filled up to a large extent.

I wish to observe, also, Mr. President, that this bill provides for the organization of the different departments of the canal work with the approbation of the President of the United States. Without reading it in full, I wish to put into the RECORD the testimony of Colonel Ernst as to a programme or proposition that was prepared by the Isthmian Canal Commission for the future operation of this canal, whether the location might be at Panama or at Nicaragua. They have prepared a programme there which is an enormously expensive one, and they did not report it to the President or to the Senate for the reason that they could not agree upon all of the detailed items of it, as stated in the testimony of Colonel Ernst, which I will put into my remarks.

It is a programme, Mr. President, that would be quite sufficient for the government of the Philippine Islands, but it would be very unfortunate if we were to adopt such a plan with reference to the canal or the Philippine Islands, because it requires a board



of control to be here in Washington City, with a salary of \$15,000 to each of the members. It requires a governor of the canal, with a cabinet of engineers and other officials down there, to reside in the canal zone, and the expense of this proposed government foots up a very large sum of money—\$2,024,134 annually for the Panama Canal and \$3,350,822 for the Nicaragua Canal—for the maintenance of the canals.

Mr. President, the Suez Canal has carried through all of its operations of maintenance and repairs for \$1,300,000, as reported from a bureau of the Treasury Department of the United States. It was an enterprise then unprecedented. They had the experience of no nation and no country to guide them in respect of their expenditures, and they were very large.

Now, these two boards of governors and controllers are not required in respect of the construction of the canal, but in respect of its maintenance after it is constructed and finished. Well, being admonished as to the very large amounts of money that the commission think it necessary to expend in the maintenance of the canal, whether at Nicaragua or at Panama, I think it is time, before we begin this work, that the President of the United States should have a voice with them in arranging the different subordinate officers and classes of officers who will be concerned in the conduct of this enterprise, and in fixing their compensation. And that is one of the chief objects of the bill I now have the honor to present to the Senate.

I will not make any further observations at this time, having merely called attention to the general outline of the bill and its general purposes; and I move its reference to the Committee on Inter-oceanic Canals. I will insert in an appendix to my remarks the testimony of Colonel Ernst, one of the Isthmian Canal Commission, in response to inquiries as to their estimates for the cost of maintenance of the respective canals, after completion, and a plan of government and administration of the canal on either route that may be selected. They are, in my judgment, so wildly extravagant and unnecessary as to excite very serious apprehension of the future of the canals unless Congress should now take this matter in hand.

The motion was agreed to.

#### APPENDIX.

[Extracts from statement of Col. Oswald H. Ernst before a subcommittee of the Committee on Inter-oceanic Canals, United States Senate, February 18, 1902.]

The CHAIRMAN. Could you name here the appendix that contains those estimates? We have been very much at a loss to find out about them.

Colonel ERNST. We did not publish those, because it is purely theoretical; we felt that we could not defend every estimate of it. We felt that there were errors both ways. You can conceive of the difficulty of getting up of such an organization at a desk for a great work like that, which must actually be tested and corrected in practice. I mean it must be adjusted. There are many of those items that we felt would err, some on one side and some on the other, and we thought that they would correct each other; but doing it the same for both lines, we thought it was a fair comparison.

The CHAIRMAN. You made a comparison in your own minds, based upon facts that you yourselves had observed on the line or had learned from other sources, but you did not make up an itemized statement and balance sheet between the cost of maintenance on the one route and the other.

Colonel ERNST. Oh, yes; we went through this organization for both canals. Of course, the Nicaragua Canal had the same general control. The governing board in this country would be the same as for the Panama and also the governor and his staff on the Isthmus would be the same and the chiefs of these departments would all be the same. Now, when it came to the number of posts you would have to have for police force, there would be more on the Nicaragua than on the Panama. We would have to have more engineering divisions.

The CHAIRMAN. What I want to get at is whether the items were put down on the list?

Colonel ERNST. Oh, I have got them all, and I would be very glad to show them to you. I have not got them here to-day, but I can bring them if you wish to see them.

WASHINGTON, D. C., Tuesday, February 18, 1902.

The subcommittee met at 3 o'clock p. m.

Present: Senator MORGAN (Chairman).

Also Senator KITTREDGE, a member of the committee.

Additional statement of Col. Oswald H. Ernst.

The CHAIRMAN. Did you get the paper I referred to?

Colonel ERNST. Yes; here it is.

The CHAIRMAN. I would like very much to have this go into the record. It may become very important if the canal should be built.

Colonel ERNST. It is very carefully gotten up. The reason we did not publish it is because there are undoubtedly errors in it. Estimates are too high in some respects and too low in others. We thought they would correct each other. The comparison, however, is a fair one. It is the same for both canals. It is a study to which we have devoted a good many weeks. It is as follows:

#### TENTATIVE ORGANIZATION FOR THE MAINTENANCE AND OPERATION OF THE CANALS.

##### I. NICARAGUA CANAL.

Supreme control to rest in a board of five members, located in Washington. The duties of the board will be:

1. To make regulations for the government of the canal, including the tariff of charges, navigation rules, police and sanitary rules, and, in short, all rules required for the operation and maintenance of the canal.
2. To make or approve all appointments the salary of which equals or exceeds \$100 per month.
3. To make or approve all contracts.
4. To audit all money accounts before transmitting them to the Treasury Department.

The annual expenses of the board may be placed at \$100,000.

Organization on the Isthmus.—The general control to be vested in a governor having his headquarters at Greytown, where the general offices will be located.

The administration will be divided among six departments, viz:

A. Engineer department, charged with all the maintenance and improvement of the canal, including the repair shops and storehouses and the repairs of public buildings; also with the location and sale or rental of lands.

B. Transit department, charged with the navigation of the canal, the assessment of dues, the service of the ports, including light-houses, and the operation of telegraph and telephone lines.

C. Medical department, charged with the hospital and other medical service, including port, quarantine, and sanitary inspection service.

D. Finance department, charged with the collection of dues, payment of salaries, and management of the funds.

E. Law department, charged with the supervision of such minor courts as may be established and with all legal matters.

F. Police department, charged with the preservation of order and with the management of the armed forces required for that purpose.

The governor.—The governor will issue orders to the heads of departments, will make reports to the board of control, and conduct all correspondence with that board, and will make frequent inspection of all parts of the canal. Attached to his office will be a secretary, two clerks, two messengers, and one small inspection steamer, the latter to be available for other officials when not required by the governor.

#### Annual expense of governor's office.

Salaries:	
Governor	\$15,000
Secretary	5,000
Clerks, 2 at \$1,500	3,000
Messengers, 2 at \$400	800
Inspection steamer	15,000
Office supplies	500

Total 39,300

A. Engineer department.—At the head of this department will be a chief engineer at \$7,500. In his immediate office will be one draftsman, at \$1,500; one chief clerk, at \$2,000; one clerk, at \$1,500; one stenographer, at \$1,500, and one messenger, at \$400. The chief engineer will have an inspection steamer at \$15,000.

There will be a general shop at Greytown, under the charge of a master mechanic, at \$3,000, who will employ 2 foremen mechanics, at \$2,000; 10 mechanics, at \$1,500; 10 helpers, at \$300; 1 master laborer, at \$900; 5 laborers, at \$300, and 1 clerk, at \$1,200. The master mechanic will also have general charge of the branch shops, to be located at Boca San Carlos, Fort San Carlos, and Brito. In each of these shops there will be employed 1 foreman mechanic, at \$2,000; 3 mechanics, at \$1,500; 3 helpers, at \$300; 1 master laborer, at \$900; 4 laborers, at \$300, and 1 clerk, at \$1,200. The shops should be partially self-supporting. If charged entirely against the canal this salary list should be sufficient to cover such materials as the canal may use in the shops.

There will be a general storehouse at Greytown and a branch storehouse at each of the other points where shops are to be located. The general storehouse will be under charge of a general storekeeper, at \$2,400, who will employ four clerks, at \$1,500, and ten laborers, at \$300. At each branch storehouse there will be a storekeeper, at \$2,000, one clerk, at \$1,500, and four laborers, at \$300.

For purposes of maintenance the canal will be divided into three divisions, the Atlantic division, extending from the Caribbean to and including the dam; the middle division, extending from the dam to deep water in Lake Nicaragua; and the Pacific division, extending from Lake Nicaragua to the Pacific. Each division will be under the immediate charge of an assistant engineer, at \$3,000, with one draftsman, at \$1,500, and one stenographer, at \$1,500. The headquarters of the respective divisions will be at Boca San Carlos, Fort San Carlos, and Brito.

In the Atlantic division there will be maintained one seagoing dredge, which will be mainly employed at Greytown Harbor, at an annual cost of \$65,000; one ordinary dredge, at \$35,000; one pile driver, at \$5,000; two steam tugs, at \$14,000; six dump scows, at \$1,000, and six flat scows, at \$300 each, these figures including pay roll and maintenance of plant. The plant will be under charge of an overseer, at \$2,400; three master laborers, at \$900, and, say, sixty laborers, at \$300 each.

The Middle and Pacific divisions will each have the same plant and force, except the seagoing dredge, and one less master laborer and twenty less laborers. The seagoing dredge provided for Greytown will also perform the necessary dredging at Brito.

It is not expected that this force will provide for the depreciation of the metal and masonry structures. For the metal structures, which include lock gates, sluices, and operating machinery, the annual depreciation is estimated to be 7½ per cent of the cost; for the masonry structures, one-half of 1 per cent of the cost.

The land office will have one clerk, at \$1,800.

#### Annual expense of the engineer department.

Salaries:	
Chief engineer	\$7,500
Assistant engineers, 3, at \$3,000	9,000
Draftsmen, 4, at \$1,500	6,000
Master mechanic	3,000
Foremen mechanics, 5, at \$2,000	10,000
Mechanics, 19, at \$1,500	28,500
Helpers, 19, at \$300	5,700
Master laborers, 11, at \$900	9,900
Laborers, 179, at \$300	53,700
General storekeeper	2,400
Storekeepers, 3, at \$2,000	6,000
Overseers, 3, at \$2,400	7,200
Clerks—	
One at \$2,000	2,000
One at \$1,800	1,800
Eight at \$1,500	12,000
Four at \$1,200	4,800
Stenographers, 4, at \$1,500	6,000
Messenger	400
Plant:	
Inspection steamer	15,000
Dredges, 4, at \$6,500	26,000
Pile drivers, 3, at \$5,000	15,000
Tugs, 6, at \$14,000	84,000
Scows—	
Eighteen at \$1,000	18,000
Eighteen at \$300	5,400
Supplies	100,000
Depreciation of metal structures (7½ per cent on \$6,082,000)	454,650
Depreciation of masonry (one-half of 1 per cent on \$33,176,400)	165,882
Total	1,305,712



**B. Transit department.**—At the head of this department will be a general superintendent, at \$7,500. In his immediate office there will be one chief clerk, at \$2,000; two clerks, at \$1,500; two clerks, at \$1,200; one stenographer, at \$1,500; one chief telegrapher, at \$1,800, and one messenger, at \$400. There will be two assistant superintendents, at \$3,000, one for the division east of the lake, the other for the Pacific division. At each of the ports, Greytown and Brito, there will be a captain of the port, at \$2,400; a surveyor, at \$1,800, and thirty pilots, at \$2,000. At Brito there will be three light keepers, at \$900. At Greytown and each of the lake ports there will be two light keepers, at \$900. At each of the four ports there will be four sailors, at \$360, for tending buoys and range marks. The light keepers and sailors will report to the assistant superintendent of the section. Each captain of the port will have one steam pilot boat, at \$14,000; six steam tugs, at \$14,000, and two naphtha launches, at \$2,500.

It is expected that the railroad will be maintained from Greytown to the San Juan River dam and from the lake to Brito. The total mileage, including sidings, tracks to quarries, etc., will be about 80 miles. An allowance of \$1,000 per mile, or \$80,000, is made for maintenance. It is expected that receipts will cover transportation expenses. The superintendent of the railroad will report to the general superintendent.

Under the chief telegrapher will be, say, twelve linemen at \$720, and the following force of telegraphers: Four at Greytown, two at each lock, two at the dam, and four at Brito, making twenty-eight in all, at \$900.

Each assistant superintendent will have one stenographer at \$1,500, one clerk at \$1,500, one messenger at \$400, and one naphtha launch at \$2,500.

At each lock there will be one lock master at \$1,800, and one assistant lock master at \$1,200, one machinist at \$1,500, two assistant machinists at \$1,200, three lock foremen at \$480, six gatemen at \$360 each, twelve linemen at \$900 each, and three watchmen at \$300 each.

At the dam and its wasteway there will be one sluice master at \$1,200, six sluice men at \$360, and one watchman at \$300.

#### Annual expense of the transit department.

Salaries:	
General superintendent	\$7,500
Assistant superintendents, 2, at \$3,000	6,000
Captains of the port, 2, at \$2,400	4,800
Surveyors, 2, at \$1,800	3,600
Pilots, 30, at \$2,000	120,000
Chief clerk	2,000
Clerks—	
Four, at \$1,500	6,000
Two, at \$1,200	2,400
Stenographers, 3, at \$1,500	4,500
Chief telegrapher	1,800
Telegraphers, 28, at \$900	25,200
Line repairers, 12, at \$720	8,640
Light keepers, 9, at \$900	8,100
Sailors, 16, at \$360	5,760
Lock masters, 9, at \$1,800	16,200
Assistant lock masters, 9, at \$1,200	10,800
Machinists, 9, at \$1,500	13,500
Assistant machinists, 18, at \$1,200	21,600
Lock foremen, 27, at \$480	12,960
Gatemen, 54, at \$360	19,440
Linemen, 108, at \$300	32,400
Sluice master	1,200
Sluicemen, 6, at \$360	2,160
Messengers, 28, at \$400	11,200
Watchmen, 28, at \$300	8,400
Plant:	
Steam pilot boats, 2, at \$14,000	28,000
Steam tugs, 12, at \$14,000	168,000
Naphtha launches, 6, at \$2,500	15,000
General supplies for locks	16,000
Lights for locks	13,500
Maintenance of railroad	80,000
Total	666,660

**C. Medical department.**—At the head of this department will be a chief surgeon at \$6,000. In his immediate office there will be one medical inspector at \$3,000, one clerk at \$1,800, one clerk at \$1,500, and one messenger at \$400. There will be two quarantine stations at Greytown and Brito, at each of which will be one quarantine officer at \$2,400, and one naphtha launch at \$2,500. A general hospital will be established at some point near the lake with a staff consisting of one surgeon at \$3,600, four assistant surgeons at \$2,000, two stewards at \$900, twenty nurses at \$500, four cooks at \$500, and ten laborers at \$380.

There will be four emergency hospitals located, respectively, at Greytown, Boca San Carlos, Fort San Carlos, and Brito. Each will be in charge of one assistant surgeon at \$2,000, and will have one steward at \$900, four nurses at \$500 each, one cook at \$500, and two laborers at \$380.

#### Annual expense of the medical department.

Salaries:	
Chief surgeon	\$6,000
Medical inspector	3,000
Quarantine officers, 2, at \$2,400	4,800
Surgeon	3,600
Assistant surgeons, 4, at \$2,000	16,000
Stewards, 6, at \$900	5,400
Nurses, 20, at \$500	10,000
Clerks—	
One, at \$1,800	1,800
One, at \$1,500	1,500
Messenger, 1, at \$400	400
Cooks, 4, at \$500	2,000
Laborers, 10, at \$380	3,800
Naphtha launches, 2, at \$2,500	5,000
Supplies	50,000
Total	125,980

**D. Finance department.**—At the head of this department will be a treasurer, at \$6,000. In his immediate office will be 1 teller, at \$2,400; 1 paymaster, at \$2,400; 1 chief clerk, at \$2,000; 2 clerks, at \$1,500; 2 clerks, at \$1,200; and 1 messenger, at \$400. There will be at each of the ports—Greytown and Brito—1 collector, at \$2,400; 1 clerk, at \$1,500, and 1 messenger at \$400.

#### Annual expense of the finance department.

Salaries:	
Treasurer	\$6,000
Collectors, 2, at \$2,400	4,800
Teller	2,400
Paymaster	2,400
Chief clerk	2,000

#### Salaries—Continued.

Clerks—	
Four, at \$1,500	6,000
Two, at \$1,200	2,400
Messengers, 3, at \$400	1,200
Office supplies	500
Total	27,700

**E. Law department.**—At the head of this department will be a marshal, at \$8,000; in his immediate office there will be a chief clerk, at \$2,000; two clerks, at \$1,500 each, and one messenger, at \$400. There will be a justice of the peace at each of the four points—Greytown, Boca San Carlos, Fort San Carlos, and Brito—who may be canal officials, receiving \$500 extra pay for the performance of this duty. Each will have one clerk, at \$1,200.

#### Annual expense of the law department.

Salaries:	
Solicitor	\$6,000
Chief clerk	2,000
Clerks—	
Two, at \$1,500	3,000
Four, at \$1,200	4,800
Messenger	400
Justices of the peace, 4, at \$500	2,000
Office supplies	500
Total	18,700

**F. Police department.**—At the head of this department will be a marshal, at \$8,000. In his immediate office there will be 1 clerk, at \$1,500, and 1 messenger, at \$400.

There will be four posts—Greytown, Boca San Carlos, Fort San Carlos, and Brito. At each will be stationed 1 captain, at \$2,000; 2 lieutenants, at \$1,500; 12 sergeants, at \$1,200, and 90 privates, at \$1,080. Eight canoes, with 4 paddles each, will be maintained at Greytown and the same at Boca San Carlos. Four canoes and 10 saddle horses will be maintained at Fort San Carlos, and 20 saddle horses will be maintained at Brito. The maintenance of a canoe and wages of crew will cost \$1,300 per year. One saddle horse will cost \$250 per year.

#### Annual cost of police department.

Salaries:	
Marshal	\$8,000
Clerk	1,500
Messenger	400
Captains, 4, at \$2,000	8,000
Lieutenants, 8, at \$1,500	12,000
Sergeants, 48, at \$1,200	57,600
Privates, 90, at \$1,080	97,200
Canoes and crews, 20, at \$1,300	26,000
Saddle horses, 30, at \$250	7,500
Office supplies	500
Total	508,300

#### General summary of annual expense of maintenance and operation.

Supreme control in United States	\$100,000
Governor's office	39,300
Engineer department	1,305,712
Transit department	666,660
Medical department	125,980
Finance department	27,700
Law department	18,700
Police department	508,300
Add 20 per cent	558,470
Total	3,350,822
Or, say, \$3,350,000.	

#### II. PANAMA CANAL.

Supreme control to rest in a board of not less than five members, located at Washington. The duties of this board will be:

1. To make regulations for the government of the canal, including the tariff of charges, navigation rules, police and sanitary rules, and, in short, all rules required for the operation and maintenance of the canal.

2. To make or approve all appointments to office of which the salary equals or exceeds \$100 per month.

3. To make or approve all contracts.

4. To audit all money accounts before transmitting them to the Treasury Department.

The expenses of this board may be placed at \$100,000.

**Organization at the isthmus.**—The general control of all the affairs of the canal to be vested in a governor, having his headquarters at Colon, where are to be located the general offices.

The administration to be divided among six departments, viz:

A. Engineer department, charged with all the works for the maintenance and improvement of the canal, and with the repair shops and storehouses; also the repair of the public buildings, and with the location and sale or rental of lands.

B. Transit department, charged with the navigation of the canal, the assessment of dues, the service of the ports, including light-houses, the operation of the Panama Railroad, and of telegraph and telephone lines.

C. Medical department, charged with the hospital and other medical service, including port quarantine, and the sanitary inspection service.

D. Finance department, charged with the collection of dues, payment of salaries, and management of the funds.

E. Law department, charged with the supervision of such minor courts as may be established, and with all legal matters.

F. Police department, charged with the preservation of order and with the management of the armed force required for that purpose.

**The governor.**—To issue orders to the heads of departments and receive reports from them; to make reports to the home government and conduct all correspondence with that government; to make frequent inspections of all parts of the canal. His salary will be \$15,000. Attached to his office will be one secretary, at \$5,000; two clerks, at \$1,500 each; two messengers, at \$400 each, and one small inspection steamer, at \$15,000, the latter to be available for other officials when not required by the governor. Supplies for this office, \$500.

#### Recapitulation for governor's office.

Governor	\$15,000
Secretary	5,000
Two clerks, at \$1,500 each	3,000
Two messengers, at \$400 each	800
One inspection steamer	15,000
Office supplies	500
Total	39,300



**A. Engineer department.**—At the head of this department will be a chief engineer, at \$7,500. Attached to his office will be an assistant engineer, at \$3,000; two draftsmen, at \$1,500 each; one chief clerk, at \$2,000; one stenographer, at \$1,500; one clerk, at \$1,500, and one messenger, at \$400.

The general shops will be located at Colon. They will be under the charge of one master mechanic, at \$3,000; who will employ, say, two foremen mechanics, at \$2,000 each; ten mechanics, at \$1,500 each, with ten helpers, at \$360 each; one clerk, at \$1,200; one master laborer, at \$900, and five laborers, at \$390 each.

Subsidiary shops will be located at Matabachin and at La Boca. Together they will employ two foremen mechanics, at \$2,000 each; six mechanics, at \$1,500 each, with six helpers, at \$360 each, and two clerks, at \$1,200 each; two master laborers, at \$900 each, and eight laborers, at \$390 each. The shops should be partially self-supporting. If charged entirely against the canal, this salary list should be sufficient to cover such materials as the canal may use in the shops.

The general storehouses will be located at Colon. They will be under the charge of one chief storekeeper, at \$2,400, who will employ four clerks, at \$1,500 each, and, say, ten laborers, at \$390 each. Subsidiary storehouses will be located at Matabachin and at La Boca and together will employ two storekeepers, at \$2,000 each; two clerks, at \$1,500 each, and eight laborers, at \$390 each.

For purposes of maintenance and repair the canal will be divided into two sections, the Atlantic and Pacific sections, the first extending from Colon to and including the Obispo gates, the second extending from the Obispo gates to Panama Bay. In each section will be maintained 1 dredge, at \$65,000; 1 pile driver, at \$5,000; 2 steam tugs, at \$14,000 each; 6 dump scows, at \$1,000 each, and 6 flat scows, at \$300 each. The principal employees in each, besides the crews of the dredges, tugs, and pile driver, will be 1 overseer, at \$2,400, and 2 master laborers, at \$900 each; and say, 40 laborers, at \$390 each. The building supplies needed for this force, in addition to what they can obtain themselves, will consist mainly of lumber and cement, for which allow \$50,000.

The land office will be in charge of 1 land clerk, at \$1,800.

#### Recapitulation for engineer department.

Chief engineer.....	\$7,500
Assistant engineer.....	3,000
Two draftsmen, at \$1,500 each.....	3,000
One chief clerk.....	2,000
One stenographer.....	1,500
One clerk.....	1,500
One messenger.....	400
One master mechanic at Colon.....	3,000
Two foremen of mechanics, at \$2,000 each.....	4,000
Ten mechanics, at \$1,500 each.....	15,000
Ten helpers, at \$360 each.....	3,600
One clerk and timekeeper.....	1,200
One master laborer.....	900
Five laborers, at \$390 each.....	1,950
Two foremen of mechanics, at \$2,000 each.....	4,000
Six mechanics, at \$1,500 each.....	9,000
Six helpers, at \$360 each.....	2,160
Two clerks, at \$1,200 each.....	2,400
Two master laborers, at \$900 each.....	1,800
Eight laborers, at \$390 each.....	3,120
One chief storekeeper.....	2,400
Four clerks, at \$1,500 each.....	6,000
Two laborers, at \$390 each.....	780
Two storekeepers, at \$2,000 each.....	4,000
Two clerks, at \$1,500 each.....	3,000
Eight laborers, at \$390 each.....	3,120
Two dredges, at \$65,000 each.....	130,000
Two pile drivers, at \$5,000 each.....	10,000
Twelve scows, at \$1,000 each.....	12,000
Twelve scows, at \$300 each.....	3,600
Four steam tugs, at \$14,000 each.....	56,000
Two overseers, at \$2,400 each.....	4,800
Four master laborers, at \$900 each.....	3,600
Eighty laborers, at \$390 each.....	31,200
Supplies.....	50,000
One land clerk.....	1,800
Depreciation of masonry (one-half per cent on \$29,543,880).....	147,719
Depreciation of lock gates, operating machinery, etc. (7½ per cent on \$3,462,040).....	259,653
<b>Total.....</b>	<b>797,612</b>

**B. Transit department.**—At the head of this department will be a general superintendent, at \$7,500 per annum. Attached to his office will be an assistant superintendent, at \$3,000; one chief clerk, at \$2,000; one stenographer, at \$1,500; two clerks, at \$1,500 each; two clerks, at \$1,200 each; one surveyor, at \$1,800; one captain of the port, at \$2,400; one chief telegrapher, at \$1,800; one messenger, at \$400; office supplies, \$500.

The superintendent of the Panama Railroad will also be attached to this office. An allowance of \$1,000 per mile, or \$45,000, is made for maintenance. It is expected that receipts will cover transportation expenses. Under the captain of the port will be twenty pilots, at \$2,000 each; two light keepers, at \$900 each; and four sailors for tending buoys and range marks, at \$360 each. He will be provided with one steam pilot boat, at \$14,000; four steam tugs, at \$14,000 each; and two naphtha launches, at \$2,500 each. The surveyor will assist the captain of the port and remeasure vessels when necessary. Under the chief telegrapher will be a small force of linemen (say eight) at \$720 each, and fourteen operators (four at Colon, two at Bohio, two at Pedro, two at Miraflores, and four at Panama) at \$900 each. At Panama there will also be a captain of the port, at \$2,400; a surveyor, at \$1,800; two light keepers, at \$900 each; two clerks, at \$1,500 each; four sailors, for tending buoys and range marks, at \$360 each; one steam pilot boat, at \$14,000; four steam tugs, at \$14,000 each, and two naphtha launches, at \$2,500 each.

The pilots at Panama will be those already counted at Colon. At each lock there will be one lock master, at \$1,800; one assistant lock master, at \$1,200; one machinist, at \$1,500; two assistant machinists, at \$1,200 each; three lock foremen, at \$480 each; six gatemen, at \$360 each; twelve linemen, at \$300 each; three watchmen, at \$300 each, and general supplies may be placed at \$3,000 and lights at \$1,500.

#### Recapitulation for transit department.

General superintendent.....	\$7,500
Assistant superintendent.....	3,000
Chief clerk.....	2,000
Stenographer.....	1,500
Two clerks, at \$1,500 each.....	3,000
Two clerks, at \$1,200 each.....	2,400
Captain of the port at Colon.....	2,400
Surveyor at Colon.....	1,800
Chief telegrapher.....	1,800
Messenger.....	400

Twenty pilots, at \$2,000 each.....	\$40,000
Two light keepers at Colon, at \$900 each.....	1,800
Four sailors at Colon, end of canal, at \$360 each.....	1,440
One pilot boat at Colon.....	14,000
Four steam tugs at Colon, at \$14,000 each.....	56,000
Two naphtha launches at Colon, at \$2,500 each.....	5,000
Eight telegraph linemen, at \$720 each.....	5,760
Fourteen telegraph operators, at \$900 each.....	12,600
Captain of the port at Panama.....	2,400
Surveyor at Panama.....	1,800
Two clerks at Panama, at \$1,500 each.....	3,000
Two light keepers at Panama, at \$900 each.....	1,800
Four sailors at Panama end, at \$360 each.....	1,440
One pilot boat at Panama.....	14,000
Four steam tugs at Panama, at \$14,000 each.....	56,000
Two naphtha launches at Panama, at \$2,500 each.....	5,000
Three lock masters, at \$1,800 each.....	5,400
Three assistant lock masters, at \$1,200 each.....	3,600
Three machinists, at \$1,500 each.....	4,500
Six assistant machinists, at \$1,200 each.....	7,200
Nine lock foremen, at \$480 each.....	4,320
Eighteen gatemen, at \$360 each.....	6,480
Thirty-six linemen, at \$300 each.....	10,800
Nine watchmen, at \$300 each.....	2,700
General supplies for locks.....	9,000
Lights for locks.....	4,500
Maintenance of railroad.....	45,000
<b>Total.....</b>	<b>351,340</b>

**C. Medical department.**—At the head of this department will be a chief surgeon, at \$6,000 per annum. Attached to his office will be one medical inspector at \$3,000 and one clerk at \$1,800, one clerk at \$1,500, and one messenger at \$400. At Colon and Panama will be quarantine stations, at each of which will be one quarantine officer at \$2,400 per annum and one naphtha launch at \$2,500. Emergency hospitals and dispensaries will be established at Colon, Bohio, and Pedro Miguel, each in charge of one assistant surgeon at \$2,000, one steward at \$900, and four nurses at \$500 each, with one cook at \$500 and two laborers at \$360. At Panama will be the general hospital, in charge of one surgeon at \$3,600, four assistant surgeons at \$2,000 each, two stewards at \$900 each, and twenty nurses at \$500 each, four cooks at \$500 each, and ten laborers at \$360 each. Hospital supplies, including surgical and medical stores, food, and office supplies, may be put down at \$35,000.

#### Recapitulation for medical department.

Chief surgeon.....	\$6,000
Medical inspector.....	3,000
One clerk, at \$1,800; 1, at \$1,500.....	3,300
One messenger, at \$400.....	400
Two quarantine officers, at \$2,400.....	4,800
Two naphtha launches, at \$2,500.....	5,000
Three assistant surgeons, at \$2,000.....	6,000
Three stewards, at \$900.....	2,700
Twelve nurses, at \$500.....	6,000
Three cooks, at \$500.....	1,500
Six laborers, at \$360.....	2,160
One surgeon.....	3,600
Four assistant surgeons, at \$2,000.....	8,000
Two stewards, at \$900.....	1,800
Twenty nurses, at \$500.....	10,000
Four cooks, at \$500.....	2,000
Supplies.....	35,000
Ten laborers, at \$360.....	3,600

**Total.....** 104,880

**D. Finance department.**—At the head of this department will be a treasurer, at \$6,000. Attached to his office will be two collectors, at \$2,400 each; one teller, at \$2,400; one paymaster, at \$2,400; one chief clerk, at \$2,000; four clerks, at \$1,500; two clerks, at \$1,200; two messengers, at \$400. Office supplies may be placed at \$500.

#### Recapitulation of finance department.

Treasurer.....	\$6,000
Two collectors, at \$2,400 each.....	4,800
One teller.....	2,400
One paymaster.....	2,400
One chief clerk.....	2,000
Four clerks, at \$1,500.....	6,000
Two clerks, at \$1,200.....	2,400
Two messengers, at \$400.....	800
Office supplies.....	500

**Total.....** 27,300

**E. Law department.**—At the head of this department will be a solicitor, at \$6,000. Attached to his office will be a chief clerk, at \$2,000; two clerks, at \$1,500 each, and one messenger, at \$400. Under him will be a justice of the peace at Colon and one at Panama, who may be canal officials, and to whom \$500 extra pay may be given. Each will have one clerk, at \$1,200. Office supplies, \$500.

#### Recapitulation of law department.

Solicitor.....	\$6,000
Chief clerk.....	2,000
Two clerks, at \$1,500.....	3,000
One messenger.....	400
Two justices of the peace, at \$500.....	1,000
Two clerks, at \$1,200.....	2,400
Office supplies.....	500

**Total.....** 15,300

**F. Police department.**—At the head of this department will be a marshal, at \$6,000. Attached to his office will be 1 clerk, at \$1,500, and 1 messenger, at \$400. Posts will be established at Colon and at Panama, each to consist of 1 captain, at \$2,000; 2 lieutenants, at \$1,500; 12 sergeants, at \$1,200, and 90 privates, at \$1,030 each. At each post will be maintained 20 saddle horses, at \$250 each.

#### Recapitulation for police department.

1 marshal.....	\$6,000
1 clerk.....	1,500
1 messenger.....	400
2 captains, at \$2,000.....	4,000
4 lieutenants, at \$1,500.....	6,000
24 sergeants, at \$1,200.....	28,800
180 privates, at \$1,030.....	185,400
40 saddle horses, at \$250 each.....	10,000
<b>Total.....</b>	<b>251,100</b>



## General summary.

General expenses in the United States.....	\$100,000
Governor.....	89,800
Engineer department.....	797,612
Transit department.....	351,840
Medical department.....	104,860
Finance department.....	27,800
Law department.....	15,800
Police department.....	251,100
	1,686,812
Add 20 per cent.....	337,362
Total.....	2,024,174
Or, say, \$2,000,000.	

## URGENT DEFICIENCY APPROPRIATIONS.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 16057) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1903, to report it with an amendment and to submit a report thereon, which I ask may be printed. I give notice that I will try to call up the bill to-morrow morning immediately after the reading of the Journal.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

## EFFICIENCY OF THE MILITIA.

Mr. PROCTOR. I ask unanimous consent to call up the militia bill.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 15345) to promote the efficiency of the militia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. CLAY. Will the senior Senator from Vermont yield to me for a moment to call up a local bill and have it passed? It will not meet with any discussion. I desire to state to the Senator that it is a matter where parties are prepared to do the work at this time, and the passage of the bill will not consume more than a minute.

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Georgia?

Mr. PROCTOR. I could not hear the Senator's request, but I will yield.

Mr. CLAY. I desire to ask the Senate to consider the bill, Calendar No. 2188—

Mr. PROCTOR. I beg pardon. I have refused several Senators an opportunity to call up for consideration other measures, and I regret very much that I can not yield to the Senator from Georgia. To be fair to them I must adhere to what I have said. I think the Senator will have no trouble in calling up the bill after 2 o'clock.

Mr. CLAY. Very well, Mr. President.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. PETTUS] offered an amendment to strike out section 24. To that amendment the Senator from Ohio [Mr. FORAKER] offered an amendment, which will be stated.

The SECRETARY. On page 16, section 24, line 2, after the word "service," it is proposed to strike out the remainder of the bill down to and including the word "year," in line 14, as follows:

The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army, but in time of peace, except in case of threatened invasion, said national volunteer reserve shall not be required to perform military duty to exceed ten days in any one year.

Mr. PETTUS. Mr. President, I desire to know whether the amendment offered by the Senator from Ohio was proposed as a substitute for the amendment which I submitted at a former time. What is it? Is it a substitute?

The PRESIDENT pro tempore. The Chair understands it to be an amendment to perfect the section which the Senator from Alabama moved to strike out entirely, and it is entitled to consideration before the proposed amendment of the Senator from Alabama. The question is on agreeing to the amendment offered by the Senator from Ohio.

Mr. PROCTOR. I will accept the amendment offered by the Senator from Ohio.

Mr. MORGAN. Let it be again stated.

The PRESIDENT pro tempore. It will again be stated to the Senate.

The Secretary again stated Mr. FORAKER's amendment.

Mr. BATE. There seem to be two editions of the bill. I ask what section is referred to? It is not on the thirteenth page.

Mr. COCKRELL. It is the sixteenth page.

Mr. FORAKER. The sixteenth page.

The PRESIDENT pro tempore. Section 24.

Mr. BATE. I have two prints of the bill. Which is it—the last one?

Mr. COCKRELL. The last one, as ordered reprinted as agreed to in the Committee of the Whole, December 9, 1902.

Mr. SPOONER. I desire to call the attention of the Senator from Ohio to the language in line 25 on the fifteenth page. Perhaps it ought to be changed in order to make his amendment harmonious. I refer to the words "other than for the purpose of drill, inspection, and instruction." Having stricken them out in the succeeding lines, they perhaps ought to be stricken out here.

Mr. FORAKER. "Other than for the purpose of drill, inspection, and instruction." All right. I have no objection.

Mr. BACON. I understand the Senator from Vermont has accepted the amendment, and that there is no vote to be taken upon it.

Mr. FORAKER. Let it be understood, also, whether the Senator from Vermont accepts the suggestion made by the Senator from Wisconsin. Now that certain words have been stricken out on my suggestion, the Senator from Wisconsin suggests that in line 25, page 15, in order to make the bill harmonious the following words should also go out:

Other than for the purpose of drill, inspection, and instruction.

The PRESIDENT pro tempore. The amendment offered by the Senator from Ohio [Mr. FORAKER], as amended by the Senator from Wisconsin [Mr. SPOONER], is agreed to without objection.

Mr. WARREN. I ask the Senator from Ohio if that leaves the bill in just the condition he would like to leave it as to lines 22, 23, and 24?

Mr. FORAKER. Yes, sir.

Mr. WARREN. Are the words "but in the event they shall be called into the service of the United States" included in what you propose to strike out?

Mr. SPOONER. No.

Mr. COCKRELL. No.

Mr. SPOONER. With the words stricken out as I suggest it would read in this way:

Such enrollment shall in each case continue for a period of five years, but in the event they shall be called into the service of the United States they shall be entitled to be discharged at the close of the war or after nine months' service.

Mr. COCKRELL. That is right.

Mr. FORAKER. That, I think, is right.

Mr. SPOONER. It simply perfects it.

Mr. TELLER. Does that all go out as read by the Senator?

Mr. COCKRELL. No.

Mr. SPOONER. All that goes out is embraced within the words "other than for the purpose of drill, inspection, and instruction."

The PRESIDENT pro tempore. The Senator from Georgia [Mr. BACON] was recognized.

Mr. BACON. Mr. President, of course, I think the amendment offered by the Senator from Ohio [Mr. FORAKER], which has now been accepted, makes this section less objectionable. I might agree, however, with what the Senator from Wisconsin [Mr. SPOONER] stated yesterday, that with this amendment the section is of not very much practical operation. The common suggestion that it can do little harm does not constitute a sufficient reason why a bill which has evil in it should be passed, or why an amendment or any portion of a bill that has evil in it should be agreed to. I wish very much that the committee would eliminate this feature of the bill. I think I will be able to show that it has no part properly in the bill. It is not properly a part of a militia bill. It is the introduction into our regular military establishment of an altogether new feature, and, I repeat, a feature which in no sense has any connection with the militia branch of the service.

This is a bill having for its professed purpose the reorganization of the general militia of the United States. As such it is a most important bill. As such it is one which must interest every Senator, not only from a national standpoint, but from the standpoint of the State which he represents. One of the fundamental ideas in the formation of this Government was the reliance of the Government upon the militia for its defense, and therefore we find that in the formation of the Constitution it is provided for, and among the first enactments of the Congress of the United States, after the formation of the Government, was the law organizing the militia.

Mr. President, I think that this portion of the pending bill, found in section 24, is violative of the spirit and intent of the Constitution, and I hope I may have the attention of Senators who favor this section, because I desire that they may consider the suggestion which I am now about to make. I repeat—and I believe it will be so recognized by Senators—that section 24 is violative of the spirit and intent of the Constitution, if not violative of its letter.



Now, of course, if the position taken by the learned Senator from Alabama [Mr. PETTUS] yesterday is correct, that this is a part of the militia system, it would undoubtedly be in violation of its letter, because it prescribes duties which the Constitution prohibits among those which can be imposed upon the militia. There is no possible question about the fact that it is not a part of the militia, so far as its letter goes. But I think it is violative of the spirit and intent of the Constitution in that it makes a part of the regular establishment that which the Constitution intended should be the militia. You are calling it by a different name. In that way you are technically taking it without the prohibition of the Constitution, whereas it is in fact a part of that which the Constitution makers had in contemplation when they provided for the organization of the militia.

The Constitution of the United States recognizes two classes of soldiery and makes special provision for them, and one is the Regular Army and the other is the militia. It gives to the Congress, to use the language of the Constitution, power—

To raise and to support armies.

What armies does the Constitution contemplate when it gives that power to Congress? That is entirely apart from any military organization in the States. It is entirely apart from anything of which the States have any control. It is particularly and peculiarly to be the military branch of the National Government, under the distinct control of the National Government, to be organized by the National Government, to be equipped by the National Government, and paid by the National Government, and a restriction is put upon the power of the National Government in that particular to the extent of saying there shall be no appropriation for that purpose exceeding two years.

Of course that limitation has no special significance relative to this bill except for the purpose of illustrating the fact that the contemplation of the Constitution was that the Regular Army should be a regular establishment in the regular service of the Government, as contradistinguished from the citizen soldiery, which was all recognized as belonging to the class known and denominated as the militia.

The citizen soldiery, in the contemplation of the Constitution, was to constitute the militia, and the framers of the Constitution having in view distinctly these two classes of soldiery made two distinct provisions. One was that the Regular Army—I am not quoting the language, but the effect of the language—should be raised and organized and supported by the National Government and should be under its exclusive control. The other was that the citizen soldiery of this country, which was to be called upon in cases of emergency, should be under the control of the States so far as concerned their organization and officering, with certain privileges allowed to Congress as to the provisions that should be made with reference to them. But the provision which is in the same article of the Constitution with reference to the militia is in these words:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

It is entirely proper for Congress under that clause to enact the provisions contemplated in this bill for the proper discipline of the militia, but when, Mr. President, you take a part of the citizen soldiery who are not in the regular service, as it has been heretofore recognized, who are not to be taken from their duties as civilians, from their ordinary vocations of life, who are to remain citizen soldiery, but who are nevertheless to be organized as a reserve for the Regular Army, officered by the United States Government, and subject to be called out by the President without reference to the militia law, you invade the province which it was intended should be without the distinct province of the Government of the United States in the organization of an army; you violate and defeat that which was the plain intent and purpose of the Constitution.

Mr. President, why was it that the Constitution makers said that in the militia there should be reserved to the States, respectively, the appointment of the officers? Did they desire to insure the separation of the citizen soldiery of the country from the Regular Army, or can it be imagined that they were splitting hairs and contemplated such a technicality as must be resorted to to sustain section 24 of this bill? Was it in contemplation that under a technicality the citizen soldiery could be divided into two classes—one class to be known as militia, composed of citizen soldiery, another class to be known as the volunteer reserve, and also composed of citizen soldiery—or was it the intent of the Constitution that all the citizen soldiery should be known as the militia? And whether the purpose is good or bad, wise or unwise, necessary or unnecessary, it is nevertheless the provision of the Constitution that they, the militia, shall stand distinct and apart and that the States shall have the right to officer them. When you divide them into two classes, all citizen sol-

diery, but one part to be known as the militia, to be officered by the States, and the other part, still citizen soldiery, to be known as volunteer reserve and officered by the United States, the purpose of the Constitution is defeated.

Aside from that I respectfully submit, sir, that it is an unnecessary provision. Outside of the purpose to enlarge practically the standing army I can conceive of no reason why there should be a volunteer reserve, as it is called, which shall be apart from the volunteer soldiery, a different part altogether, unless it be the apprehension that in time of war, in time of emergency, there will be an insufficiency of response on the part of the volunteer soldiery to meet the demands which would arise to meet such an emergency. Has there ever been anything in the past which would indicate any such danger? Is there anything which could possibly suggest such a danger in the future? Why is it that we are to have two classes of citizen soldiery, unless, forsooth, there is danger that the one will be insufficient to answer the purpose. Everyone knows that in time of need there is practically no limit to the number of volunteer soldiers who would promptly be at the call of the Government.

For over a hundred years we have had this system. For over a hundred years we have had but one class of citizen soldiery, and that is known as the militia. Sir, who shall define militia to be other than citizen soldiery? Who shall define militia to be other than that which has been known and accepted to be militia since 1792—the citizen soldiery of the country? If that is the meaning of it, if that was the intent of the framers of the Constitution, by what right do we at this late date seek to evade the plain provisions of the Constitution for that purpose? How is it that we are at this day to say in the passage of a law that there shall be a part of the citizen soldiery subject to be called into the service of the United States which shall not be a part of the militia?

Mr. President, the provision of this section of the bill is that the volunteer reserve, as it is called, shall be made up of those who have served in the militia or who have served in the Regular Army of the United States. They are to be enrolled, and although under the amendment which was adopted there will be no drills or anything of the kind, they are to be enrolled, and, I suppose, necessarily organized. How they are to be organized if they are never to be gathered together for inspection or drill I do not know.

This twenty-fourth section erects within each State two different classes of citizen soldiery, one of which will necessarily be the particular object of care on the part of the United States Government. It is true that the bill provides that the militia shall have proper equipment, proper organization, proper drill, and proper discipline, and all of that I most heartily approve, but, nevertheless, if you have in each State one class of citizen soldiery which shall be distinct from the other, which shall be in no manner subject to State law, which shall be in no manner subject to the call of the executive of the State, which shall have its wants supplied by the National Government, which shall have its officers supplied by the National Government, you necessarily have a class of men who will in time come to be recognized as higher in rank than the other class organized under State law, because of the vast resources of the National Government and the extremely restricted resources of the State government.

Mr. President, I repeat, I trust that this part of the bill will not be insisted upon. I am ready to respond to anything which the Senators in charge of the measure may insist upon as important for the militia, but this is not a part of the organization of the militia. I venture to say that there was not one Senator in ten, nay, not one in fifty, outside of the Committee on Military Affairs who knew the fact that in that bill, which was denominated as a militia bill, there was included a provision for the organization of an army of 100,000 men, which should belong to the regular establishment and be a part of the Regular Army, although it is, if you please, a dormant part of that regular establishment. It is nevertheless a fact that under a bill to reorganize the militia we have here introduced a provision with reference to the Regular Army of the United States, and a most important and far-reaching part.

I appeal to Senators to let us proceed with the bill for the reorganization of the militia. Strike out this twenty-fourth section, so that we may all give our support to the militia bill, because we are all interested in it. I desire to say, for myself, that with possibly one or two minor provisions, which I do not entirely approve, I most heartily approve of the bill, so far as it relates to the militia.

I think it is of extreme importance that we should have a new law with reference to the militia, because conditions have changed and it is highly important that the militia should be organized in accordance with the changed conditions. When the act of 1792, which organized the militia of the United States, was passed, it contained some provisions that this bill contains, in that it makes every man in the United States between 18 and 45 one of



the militia, except only certain exempted parties; but when that act was passed conditions were very different. Then any man who knew how to use his sporting gun would know how to use the gun that he would have to use in time of war, and any man who had ordinary capacity could within a very few days be instructed in the simple evolutions which were necessary to make him an organized soldier.

But conditions have entirely changed. A man may now be an expert in the use of a sporting gun and be utterly ignorant of the use of the military arm. He may not only be so, but he is so in nine hundred and nine cases out of one thousand, because in the development of military arms they are entirely different, and it takes specific instructions in order to fit a man to use a military arm.

Therefore, in the organization of the militia at the present day, in order that they may be made promptly effective in time of need, it is important that they should be organized and disciplined and drilled as the Army is drilled; that they should be instructed in the use of these arms, which are entirely different in construction, and the range of which is entirely different. It is important, in view of the changed methods growing out of the changed conditions in arms, that they should be organized into bodies of corresponding character and size, divisions, etc., so that the militia may, when ordered into active service, be ready for immediate and effective service.

Therefore, Mr. President, it is, as I said, without going into details, that I regard this bill as extremely important. I am extremely anxious that it shall be passed, so far as it relates to the militia, but I can see no reason why this measure should be encumbered with another measure which has no relation whatever to the militia, which does not belong to the militia, and which would be utterly unconstitutional if it did pertain to the militia, and which can only be defended on the ground that it is intended as an appendix to the Regular Army.

Mr. President, if we are to have any legislation with reference to the Regular Army let us have it separate and apart. Why should it be brought in here under the guise or under the wing, if you please, of a bill for the reorganization of the militia? Certainly the organization of the Regular Army is a matter of sufficient importance to be dealt with separately and apart. It is a matter of sufficient importance to stand on its own ground and by its own strength, and not be brought here and put through as a part of a militia bill, because, forsooth, there is a necessity for the reorganization of the militia, and because by reason of that fact there is great influence in favor of the passage of a militia bill, and properly so. I want the Regular Army brought up to the highest state of efficiency, and I am ready to contribute all in my power to that end. But to accomplish this it is not necessary to mix legislation of the Army with that of the militia.

The Committee on Military Affairs of the Senate are certainly capable of presenting to the Senate and the House committee to the House an independent measure with reference to the Army without having to have it supported and buttressed by the strength of a bill for the reorganization of the militia.

Mr. President, everything which relates to the standing army is a most important matter. It is a matter that requires the greatest care on the part of Congress when we come to talk of legislating about a standing army. We have had a great change in the last two or three years in the standing army.

While it may be, as the Senator from Wisconsin [Mr. SPOONER] said on yesterday, that section 24 of this bill is to a great extent futile, with the amendment offered by the Senator from Ohio [Mr. FORAKER], still, Mr. President, it is the foundation, it is the beginning, and what may now be lacking of the bill, or this part of it, as it has been amended, will be more easily supplied hereafter. It will be said, "Here we have an organization and it is ineffective, a part of the Regular Army;" and then it will be amended and added to, and this volunteer reserve will become the important part of the volunteer soldiery, and the militia and the volunteer soldiery of the States will gradually be depreciated and become insignificant.

I desire, Mr. President, that the learned Senators who support this bill will answer the suggestion which I have made as to whether or not it is violative of the spirit of the Constitution when they make a part of the citizen soldiery of the country a part of the standing army of the country, and that is exactly what this section does.

It takes the citizen soldiery and simply by changing the name from what the Constitution intended it should all be known by, to wit, the militia, makes a part of the citizen soldiery a part of the standing army of the country, and what is now a hundred thousand men may be in the near future, without any greater change than that we have already seen, a million men, and it may be that within a very short time this feature of the bill, now so comparatively insignificant, may become the great dominating military feature in the legislation of this country.

Mr. President, it is too serious a matter for us to pass upon it as a part of the militia bill when it is not a part of it at all. I may be mistaken about it, I may be overapprehensive about such things, but I think it is an extremely grave proposition, an absolute departure from anything that has ever been seen in the Government of the United States heretofore, when you say that a part of the citizen soldiery of the country shall become a part of the Regular Army of the United States, subject to the call of the President of the United States, not subject in any manner to State law, not officered by the States, and in no particular subject to the control or call of the governor of the State.

It will not do to say there is no danger in this because it can only be done when Congress authorizes it. Congress will have already authorized it when you pass it. Whenever you pass this bill there is a law upon the statute books by which it is available at the call of the President of the United States.

Possibly I am incorrect in that construction. I understand the bill has been amended, by striking out on page 16 from line 2 to line 20. Am I correct?

Mr. FORAKER. To line 14.

Mr. BACON. It does not go beyond that?

Mr. FORAKER. No.

Mr. BACON. Now, I will call the attention of Senators to the language as it now reads:

Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, battalions, etc.—

They "shall be received as the first organizations of such volunteer force." And in line 20:

Whenever a volunteer force shall be called for by authority of Congress, exceeding in number the companies, troops, batteries, battalions, and regiments of the organized militia which shall enlist, etc.

Now, what does that mean? Does it mean that whenever a volunteer force shall be called for by authority of Congress hereafter granted? Does it mean to limit the power of the President of the United States to the use of this particular body of soldiery to such purposes as shall hereafter be authorized by Congress, or does it mean to extend to all purposes which are authorized by Congress, whether that authority has been heretofore granted or shall be hereafter granted? Why, manifestly the latter.

Manifestly under this particular provision of the bill—I say "this particular provision" because I am in favor of the bill as a whole, and very much so—under the provisions of section 24, the President of the United States is authorized to call for this body of soldiery whenever an emergency arises under the law as then existing. Whether it is a law passed prior to the present time or subsequent to the present time, he is authorized to call out troops.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Senator from Georgia will suspend while the Chair lays before the Senate the unfinished business of yesterday, which will be stated.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The PRESIDING OFFICER. The Senator from Vermont [Mr. DILLINGHAM] is in possession of the floor.

Mr. QUAY. I ask the Senator from Vermont to yield to me for a moment.

Mr. PROCTOR. Will my colleague allow me to give a notice?

Mr. DILLINGHAM. Certainly.

Mr. PROCTOR. I wish to give notice that I shall ask consent to-morrow morning to take up the militia bill at the expiration of the morning business.

Mr. BACON. I presume the Senator will recognize my right to proceed at that time. I was right in the midst of what I had to say.

Mr. PROCTOR. The Senator from Georgia has the floor upon the bill when it again comes before the Senate.

Mr. TILLMAN. Have we not some special order for to-morrow after the routine morning business?

Mr. BEVERIDGE. Yes; we have.

Mr. KEAN. There is a special order.

Mr. QUAY. There are eulogies to be delivered.

Mr. BEVERIDGE. Eulogies on the late Senator SEWELL.

Mr. TILLMAN. I suppose that to-morrow is a dies non, so far as the militia bill and the statehood bill are concerned.

The PRESIDING OFFICER. The Chair is informed that there has been no special order made by the Senate, but that notice simply has been given.

Mr. TILLMAN. Notice in that case is equivalent to an order, and always has been.

The PRESIDING OFFICER. The Chair does not recognize the giving of a notice as equivalent to an order made by the Senate.

Mr. TILLMAN. I am only speaking of cases of eulogies. It has been the universal custom in the Senate since I have been here for everybody to recognize the obligation of the Senate in such a case.



The PRESIDING OFFICER. The Chair is now informed from the Secretary's desk that the Senator from South Carolina is correct. The Senator from New Jersey [Mr. KEAN] gave the following notice:

That on Wednesday, December 17, after the routine morning business, he will submit resolutions in regard to the death of his late colleague, WILLIAM J. SEWELL, in order that appropriate tribute may be paid to his memory.

The Senator from South Carolina is correct.

#### OMNIBUS STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. QUAY. I desire to send to the Secretary's desk a telegram in relation to the statehood bill, and I ask that it be read.

The PRESIDING OFFICER. The Senator from Pennsylvania asks that the telegram sent to the desk by him may be read for the information of the Senate. In the absence of objection, it will be read.

The Secretary read as follows:

ROCK ISLAND DEPOT, ENID, OKLA., December 10, 1902.

Hon. MATTHEW S. QUAY,

United States Senator, Washington, D. C.:

Enthusiastic meeting, December 10, passed following resolutions for omnibus bill:

"Whereas systematic and fraudulent efforts have been made to mislead members of the United States Senate as to the wishes of the people of Oklahoma in relation to statehood; and

"Whereas an overwhelming majority of the people of Oklahoma, irrespective of party affiliations, are opposed to the single statehood measure of Senator BEVERIDGE, and desire statehood under the conditions of the omnibus bill now pending in the Senate; Therefore,

"Resolved, That the Commercial Club of the city of Enid most earnestly requests the friends of Oklahoma in the Senate to urge the passage of the omnibus bill, and under all conditions to oppose the Beveridge measure.

"Resolved, That the secretary telegraph a copy of these resolutions to Senators QUAY and BAILEY, and request that they be presented to the Senate."

O. F. FLEMING,  
President.  
FRED. A. WILSON,  
Secretary pro tempore.

Mr. CLAY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Georgia?

Mr. QUAY. I still have the floor, Mr. President.

The PRESIDING OFFICER. The Chair understood that the Senator had only asked for the reading of the telegram.

Mr. QUAY. I was waiting to hear from the Senator from Indiana [Mr. BEVERIDGE]. He was about to address an inquiry to me, as I supposed.

Mr. BEVERIDGE. I was waiting for what the Senator had to say and then, out of order, I wish to ask permission to introduce sundry bills for appropriate reference.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield for that purpose to the Senator from Indiana?

Mr. QUAY. I do.

[The bills introduced by Mr. BEVERIDGE appear under the heading, "Bills introduced."]

Mr. DUBOIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Idaho?

Mr. QUAY. Certainly.

Mr. DUBOIS. I ask the indulgence of the Senator from Pennsylvania and the Senator from Vermont also while I request of the Senate permission to put upon its passage a bill of local interest to my people. It will take but a few moments.

Mr. QUAY. I have no objection if the bill provokes no discussion.

Mr. DUBOIS. If it does I shall immediately withdraw it.

Mr. BEVERIDGE. We have no objection.

#### FORT HALL RESERVATION LANDS.

Mr. DUBOIS. I ask the Senate to proceed to the consideration of the bill (S. 6502) relating to ceded lands on the Fort Hall Indian Reservation.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

The first amendment was, on page 2, line 3, after the word "Interior," to insert the following proviso:

Provided, That the improvements made by certain Indians upon the following-described lands, namely, lot 4, sec. 1, and the SE.  $\frac{1}{4}$  of the NE.  $\frac{1}{4}$ , sec. 18, and the SE.  $\frac{1}{4}$  of the NW.  $\frac{1}{4}$  and the NW.  $\frac{1}{4}$  of the SW.  $\frac{1}{4}$  of sec. 8, in T. 7 S., R. 35 E., and the E.  $\frac{1}{4}$  of the SE.  $\frac{1}{4}$  of sec. 21, T. 6 S., R. 34 E., and which have heretofore been appraised, shall be paid for at the said appraised value, at the time of and by the person making entry of the respective tracts upon which such improvements are situated.

Mr. PETTUS. Mr. President, I should like to inquire of the Senator in charge of the bill what amount of land this includes.

Mr. DUBOIS. There is a short report here from the Secretary of the Interior and the Commissioner of Indian Affairs explaining

it and recommending it very strongly. It includes about 60,000 acres of land.

Mr. PETTUS. Is the land in the Indian reservation?

Mr. DUBOIS. No. The land has been ceded to the Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Indian Affairs.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was to strike out the remainder of the bill in the following words:

The section 5 referred to above is as follows:

"Sec. 5. That on the completion of the allotments and the preparation of the schedule provided for in the preceding section, and the classification of the lands as provided for herein, the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, town-site, stone and timber, and mining laws of the United States only, excepting as to price and excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: Provided, That all purchasers of lands lying under the canal of the Idaho Canal Company, and which are susceptible of irrigation from the water from said canal, shall pay for the same at the rate of \$10 per acre; all agricultural lands not under said canal shall be paid for at the rate of \$2.50 per acre, and grazing lands at the rate \$1.25 per acre, one-fifth of the respective sums to be paid at time of original entry, and four-fifths thereof at the time of making final proof; but no purchaser shall be permitted in any manner to purchase more than 160 acres of the land hereinbefore referred to; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.

"The classification as to agricultural and grazing lands shall be made by an employee of the General Land Office, under the direction of the Secretary of the Interior.

"No lands in sections 16 and 36 now occupied, as set forth in article 3 of the agreement herein ratified, shall be reserved for school purposes, but the State of Idaho shall be entitled to indemnity for any lands so occupied: Provided, That none of said lands shall be disposed of under the town-site laws for less than \$10 per acre: And provided further, That all of said lands within 5 miles of the boundary line of the town of Pocatella shall be sold at public auction, payable as aforesaid, under the direction of the Secretary of the Interior, for not less than \$10 per acre: And provided further, That any mineral lands within said 5-mile limit shall be disposed of under the mineral-land laws of the United States, excepting that the price of such mineral lands shall be fixed at \$10 per acre instead of the price fixed by the said mineral-land laws."

Mr. PETTUS. I ask that the remainder of the bill be read.

Mr. DUBOIS. It is descriptive.

The PRESIDING OFFICER. The Secretary will read the words proposed to be stricken out by the committee.

Mr. DUBOIS. It is descriptive entirely.

Mr. PETTUS. If it is a description of the land, I do not care to have it read.

The PRESIDING OFFICER. Does the Senator from Alabama withdraw his request?

Mr. PETTUS. Yes, sir.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CLAY and Mr. BEVERIDGE addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Pennsylvania yield?

Mr. BEVERIDGE. I will not address the Chair, since the Senator from Georgia desires to present a measure.

Mr. CLAY. I ask the Senator from Pennsylvania to yield to me for just a minute.

Mr. QUAY. I yield to the Senator from Georgia.

#### SAVANNAH RIVER BRIDGE.

Mr. CLAY. I ask that House bill 15445 be taken up and passed. It will not lead to discussion.

The PRESIDING OFFICER. The Senator from Georgia asks for the present consideration of a bill the title of which will be read.

The SECRETARY. A bill (H. R. 15445) to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OMNIBUS STATEHOOD BILL.

Mr. CULBERSON and Mr. BEVERIDGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Texas?

Mr. QUAY. I will in a moment. The Senator from Indiana has risen, intending to address the Chair.

Mr. BEVERIDGE. I know I have; but I did not observe when I rose that other Senators desired the attention of the Chair or the Senate for the passage of private bills, and of course I do not desire to interfere.



Mr. QUAY. I do not wish to interfere with Senators who desire to have private bills passed so long as they do not obstruct the conclusion of the remarks of the Senator from Vermont [Mr. DILLINGHAM]. I supposed possibly the Senator from Indiana intended to say something in relation to the statehood bill.

Mr. BEVERIDGE. I did, Mr. President.

Mr. QUAY. If so, I trust the Senator from Texas will yield to the Senator from Indiana for a moment.

Mr. CULBERSON. Certainly.

Mr. BEVERIDGE. Mr. President, several Senators have expressed to me a desire to be absent from Thursday, as they are going home for the holidays; and it has occurred to me, and I so had a communication with the Senator from Pennsylvania, that the matter could not be hastened largely by keeping those Senators here on Thursday. Therefore I suggest that the further discussion of this measure, after the conclusion of the remarks of the Senator from Vermont, go over until immediately after the holidays.

Mr. QUAY. I have no objection whatever to that. I understand very distinctly that a number of Senators will leave the city to-morrow and that by Friday, at least, there will be no quorum here. With the understanding that the Senator from Vermont completes his remarks, that his speech shall be printed in the RECORD this week, and that on the 5th of January, when we meet, the Senator who is to succeed him on the side of the Committee on Territories will be ready to take the floor and proceed with the discussion, I will agree to the suggestion, if that is satisfactory to the Senator from Indiana and gentlemen on the other side.

Mr. BEVERIDGE. Certainly, Mr. President.

Mr. BATE. Mr. President, that will be satisfactory to us if we can not get a quorum after Thursday. We should like to go on with the bill, and of course we want a day set when it is to be resumed. We do not want it to lose its place, as a matter of course.

Mr. BEVERIDGE. Certainly not.

Mr. QUAY. The consideration of the bill will be resumed in its order, as I understand, on the 5th of January, when the session is resumed.

Mr. BEVERIDGE. Certainly, and the discussion will be taken up again immediately on the 5th of January. The only effect of this agreement, as I understand, will be that there shall be no further discussion on Thursday.

Mr. QUAY. Provided the Senator from Vermont concludes his speech to-day.

Mr. BEVERIDGE. Provided the Senator from Vermont concludes to-day, and that his speech shall appear in the RECORD before the holiday adjournment.

Mr. QUAY. It is also part of the agreement that a representative of the Committee on Territories will be ready to proceed with the discussion on the day we meet.

Mr. BEVERIDGE. Certainly; and that when we meet the discussion shall proceed on the part of the committee as it otherwise would on Thursday.

The PRESIDING OFFICER. The Senator from Indiana [Mr. BEVERIDGE] asks unanimous consent that it be agreed that at the conclusion of the remarks of the Senator from Vermont [Mr. DILLINGHAM] who is now in possession of the floor, that further debate upon the statehood bill shall be deferred until 2 o'clock on the 5th day of January, when some member of the Committee on Territories will take the floor.

Mr. BATE. And proceed.

Mr. BEVERIDGE. And address the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. QUAY. The bill, of course, retains its place as unfinished business, Mr. President?

Mr. BEVERIDGE. Oh, certainly.

The PRESIDING OFFICER. The Chair so understands. Is there objection to this request? The Chair hears none, and it is so ordered.

#### CIRCUIT COURT OF APPEALS AT FORT WORTH, TEX.

Mr. CULBERSON. I ask unanimous consent for the present consideration of House bill 15140.

The PRESIDING OFFICER. The Chair would state to the Senator from Texas that the Senator from Vermont [Mr. DILLINGHAM] is in possession of the floor.

Mr. CULBERSON. The Senator from Vermont has kindly yielded to me.

The PRESIDING OFFICER. Then the Chair recognizes the Senator from Texas.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (H. R. 15140) providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### OMNIBUS STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

Mr. DILLINGHAM. Mr. President, I now propose to take up the question of the conditions existing in Arizona with reference to her fitness for admission into the Union at this time. I wish, first, to call attention to the fact that Arizona is a Territory that is 378 miles in breadth and 379 miles in length, that it contains about 73,000,000 acres of land, that it is in the arid region of the country, that the southern portion of it is in the semitropical region of the country, but that yet in this large area there is a population, according to the census, of only 122,139 souls, or, to make that fact more impressive, there is 1 $\frac{1}{10}$  persons to each square mile in the Territory.

There are a number of fine towns in the Territory, very largely American in their character. The city of Prescott, which is reached after leaving the main trunk line passing through the northern section of the Territory as you travel south, is a town having a population, according to the census, of 3,559. More is claimed for it now, and doubtless there are a greater number of people there. It is a town that is sustained entirely by the mining interests around it—a town that is given up very largely to trade. It is well built, fine in its appearance, has an intelligent, well-educated, and progressive population, with good schools, good banks, and good institutions generally.

Passing south from there, after crossing the mountain, one comes to the city of Phoenix. A more delightful winter residence it would be difficult to find in this country. It is some four or five thousand feet lower in altitude than Prescott. The summers are intensely hot, we are told, but in winter there is perpetual sunshine and the temperature is such that the city becomes a gathering place for those who are delicate in health, particularly those suffering from lung diseases. At Phoenix they have the finest system of irrigation that can be found in the Southwestern Territories.

The country around the city is substantially level, so nearly so that they are able to bring the water of the river a good many miles, and, by ditching, to carry it to the fields needing irrigation. They have made such a success of the system that Phoenix is noted among all persons who have given attention to the subject of irrigation. I think it is conceded that the system there is more perfect than in any other place in the Southwest. We were driven through the outlying districts and found fine crops, fine herds, and attractive farms, and all the fruits naturally produced in the Temperate Zone and even in tropical countries are there grown in abundance.

The population of Phoenix is to a considerable extent made up of people who have gone from other sections of the country, perhaps originally in pursuit of health, but who have now entered into business and are interested in Phoenix and in the Territory in which Phoenix is situated. This class of population for intelligence, for education, for culture, can hardly be excelled in any city of its size in the Middle West or in the East.

Tucson, a city to which the census gives a population of 7,531, is more of the Mexican or Spanish type of a town. It has a larger population of the class known as Mexican. Here is situated the university, a prosperous institution, finely officered and cared for; and the population there we may refer to as we have to that in the other cities just mentioned. There are other towns in the Territory of like character, few in number and less in population, which I shall not take time to mention.

There are other communities in the Territory of a different type. One of them is the city of Bisbee. They call it a camp, because it is built up around the copper mines located at that place. The mining and smelting of copper has created the town and gives it its activity to-day. They claim a population of from 7,000 to 9,000, while the census gives a smaller number; but that can not be relied upon, because when the census was taken Bisbee was not an incorporated town. It is situated in a great ravine in the mountains. The population is just what one would expect in such a place. A portion are highly educated and cultured men; others, noted for their business ability, are engaged with them in the management of the works. Below them are superintendents and employees of different classes usually found in such plants. There are also settlements in connection with the Clifton mines, the Shannon mines, and the Commonwealth mines.

Tombstone was formerly a city, it is said, of 12,000 inhabitants, but a few years ago disaster overcame her, and at the present time it is said there are not over 1,200 people residing there;



although in fairness it should be stated that parties are now undertaking to remove the water from the mines, which had been flooded for years, and to attempt again to explore the lower levels to ascertain what may be found. But taking the population of the Territory as a whole, as it exists in city and in country, it will be found that 24,233, or 19.7 per cent, of them are foreign born and 50,308, or 40.9 per cent, of them are of foreign parentage. Looking at the population from a racial standpoint, we find that about 29,000 out of 122,000 are of Mexican origin, and 14,000 of the latter class were born in old Mexico and have come into Arizona as immigrants.

In Phoenix one of the gentlemen appointed to present the claims of Arizona for statehood, upon being interrogated as to the per cent of illiteracy in the Territory, stated that he had not the figures before him, but, knowing the Territory pretty well, he would think that it would range from 4 to 8 per cent in the different sections of the Territory; that perhaps it would average between those two numbers.

I can readily understand how he made such a mistake, as he came from the North, had only been four or five years in the Territory, and his residence had been in the delightful society of Phoenix, but he was entirely wrong in his estimate, as the census shows that, taking the whole population together, 29 per cent are not able to read or write in any language, and if we were to make a test of those who could read and write the English language, the per cent, of course, would be very much greater than that.

It appears that 28,911, or about 23½ per cent, of the population of the Territory are unable to speak English. The seriousness of the condition there suggested by this fact lies in this, that outside of those villages—I call them villages, but they call them cities—there are those vast areas of country in which the population is so sparsely settled that there is difficulty in bringing the children together and getting them into school, although the laws of the Territory have provided for a very good school system.

There is another peculiarity in the population of Arizona, disclosed by the census, in the fact that the percentage of the male population above 15 years of age who are married is only 43.6, while in New Mexico it is 56.6; in Oklahoma, 56.1, in the Indian Territory, 55, and in Ohio, 56.4, showing that there must be a considerable number of the male population in Arizona who are of a transient character, going there to work in the mines or for other purposes, but who have not permanently settled and adopted the family life.

Education in that Territory has been provided for by the establishment at Tucson of the agricultural college, to which I have referred. The Territory has two normal schools, which are represented as doing good work, and they have in that whole Territory, large as I have described it to be, 275 school districts, in which there are 122 grammar schools and 320 primary schools, with 118 male teachers and 339 female teachers. Governor Brodie, a most candid man, states that on the whole the educational system is working admirably for the Territory and he hopes for good results from it.

There is in the northern part of the Territory a large body of timber, which has been substantially untouched down to the present time, to which I should perhaps call attention; and I do not know that I can better do so than by adopting the language of Governor Brodie in his statement to the committee, in which he says:

In the high range of mountains extending through we have the largest single belt of pine timber in the United States in this Territory, that extends from the Grand Canyon into New Mexico, in the southeastern portion, about 60 to 80 miles in width and 300 miles in length. The greater portions of it have been included in the forest reservations and in the Indian reservations. That country must depend entirely upon grazing for its success in the portions outside of the timber land. There is very little mining up that way; some little up about the Grand Canyon.

The industries of the Territory are principally agriculture, herding, and mining. Agriculture in Arizona is absolutely dependent upon artificial irrigation. This is conceded by everybody who appeared before the committee, including Governor Brodie, who, however, called attention to the fact that in the extreme northern portion of the Territory, among the mountains and at an altitude, perhaps, of 6,000 feet above sea level, there are valleys where they have some summer rains and where forage crops are to some extent harvested. But outside of that the whole Territory may be included in the arid area.

It appeared to the committee that agriculture has now substantially reached its greatest development until steps are taken to impound the winter rainfall and the water of the floods whenever they may come. In other words, that the water of the streams as they flow season by season is now fully utilized.

I have already referred to the very fine system of irrigation in and about Phoenix; but even at Phoenix they are now suffering severely from lack of water. They have an area which has been properly ditched and which at some time has been fully irrigated, which they can not avail themselves of because of the lack of

water, particularly in the last two or three years, since the streams have been unusually low. Mr. Fowler, of Phoenix, who appeared before us for the Territory of Arizona, in referring to conditions there, said:

I want first to emphasize to the committee the fact that when you talk about 275,000 acres of land on the canals, that all of that land practically, there may be a little—there may be 250,000 acres—that takes out some blocks that have been abandoned, but all of that 250,000 acres has been operated. The water has been over it. This last year we did not irrigate in this valley exceeding 90,000 acres. Over 90,000, I told you, to 100,000 acres. In fact, Mr. Heard thinks it was even less than that on account of the drought. I have 280 acres of land I did not put any water at all on, because I did not have it. I have avoided, gentlemen, a number of things that I would have said to you individually, because they were personal references. I feel delicate about going into the matter of making personal references.

#### PROPORTION OF RANCH ACTUALLY IRRIGATED.

In the case in which I was talking to the chairman, about my ranch of 340 acres, there are 280 acres that I have not put any water on for three years, and 140 acres, about that, out of which I have had water enough to cultivate about 40 acres, although I have spread out over more territory than that. I had quite a considerable acreage of oranges and grapes, and I wanted to save them, but I lost them in spite of everything I could do.

Q. I understand that the reason you did not put more than this 40 acres under water was because of lack of water.

A. Yes, sir; I did not put more than 40 acres under water because I lacked the water, but I was paying for 160 acres of water. The contracts are worded that the waters are to be furnished provided it is in the river.

Referring to that same subject, Professor Newell, connected with the Geological Survey, who has had charge of the work in Arizona and New Mexico, says:

The condition at Phoenix is extremely serious, as the land under cultivation exceeds in area the available supply of water. For the last two or three years there has not been sufficient water for more than half or two-thirds of the land which has been normally under cultivation.

THE CHAIRMAN. Is that because there is not enough water in the river? Mr. NEWELL. It is because of the shrinkage of the river during the past few years.

Mr. President, I do not make these references for the purpose of casting any discredit upon Phoenix, but simply to call attention to the fact that in the natural flow of the rivers in that Territory, in my judgment, there can not be any better or further results hoped for than have already been accomplished. I am glad to say for Phoenix, and for what I believe to be her future, that the Committee on Territories of this body have already recommended favorably the passage of a measure asked for by the citizens of that city, authorizing the county of Maricopa, in which that city is situated, to bond itself to the extent of perhaps two millions or two millions and a half of dollars for the purpose of going 25 miles into the mountains and there constructing a dam and creating a great reservoir for the storage of water, which, if done, will, in my opinion and I think in the opinion of the committee, furnish an ample supply for the plain about Phoenix, not only for the area now under irrigation and which is properly ditched, but, as Governor Brodie suggested, to very nearly double that amount.

There is also another scheme, which the people there hope to induce the Government to adopt under the law which was passed last winter, for the storage of large quantities of water for use in that valley; and I expect at some time to see those schemes carried out.

Other sections of Arizona are irrigated, particularly in the valley of the Gila and the land near Yuma in the valley of the Colorado; but the amount of land irrigated in Arizona compared with the whole is almost infinitesimally small.

If the Senators who are interested in this question will take the trouble to turn to the map of Arizona, which is bound with the testimony reported by the committee, they will notice the black spots which indicate the area that is really irrigated, and they will see how utterly impossible it is, with the water already used up, to leave the valleys where irrigation now exists and to spread over any very considerable portion of the territory beyond.

Mr. BURTON. May I ask the Senator a question? The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Kansas?

Mr. DILLINGHAM. Certainly; I yield for a question.

Mr. BURTON. Is that condition because of the contour of the country or because of the want of water?

Mr. DILLINGHAM. Both, I should say.

Mr. BURTON. Do you mean that if they had the water there is no land there to put it on?

Mr. DILLINGHAM. I mean if they had water enough for that vast territory that it would be utterly impossible to carry it over the uneven surface, unless it was carried in pipes under a very comprehensive system, such as has not been adopted in any part of this country. But I mean, further, that the testimony of all persons appearing before the committee indicated that irrigation can not be extended any considerable distance from the streams of the Territory, water having to be carried by gravity in ditches.

Mr. Newell testified in relation to this matter. I think his testimony will be found on page 178 of the bound volume, when



the map which has been bound was exhibited to him. The colloquy between the chairman and Mr. Newell was as follows:

The CHAIRMAN. As to irrigation, please describe the condition of the rest of the Territory with reference to the occupation of agriculture outside of the black area shown on the map.

Mr. NEWELL. Outside of the black area there are practically no lands susceptible of irrigation, except in the contingency of very extensive storage in the future.

The CHAIRMAN. Will you state, if you can, roughly speaking, what proportion the lands under irrigation bear to the entire area of the Territory?

Mr. NEWELL. It is probably about a fourth of 1 per cent. I can correct that statement later, but it is less than 1 per cent.

The correction that the professor furnished later has been printed in brackets, and it shows that the total area of Arizona Territory is 72,268,800 acres, of which there were irrigated in 1899, 185,396 acres, or twenty-five one-hundredths of 1 per cent of all the land in the Territory.

He testified further:

The CHAIRMAN. It is less than in New Mexico, is it?

Mr. NEWELL. It is somewhat less than in New Mexico.

Senator HEITFELD. Have the lands all been surveyed in those Territories? Mr. NEWELL. It has not all been surveyed and subdivided. The maps show the extent to which subdivision has progressed.

Senator HEITFELD. How do you get all your detailed information if there have been no surveys made? Have parties been sent out there to investigate and segregate the lands and to ascertain these things?

Mr. NEWELL. Lands can not pass out of the ownership of the Government unless they have been surveyed. This represents lands actually disposed of.

That, I think, presents accurately the condition of Arizona today, with an irrigated area aggregating 0.25 of 1 per cent of the entire land of the Territory.

I now wish, for purposes of comparison and to show what the resources of Arizona are from an agricultural standpoint, to call attention to the farm area of the Territory; and in order that there may be no mistake as to what is included in farm area in the census reports, I shall read from a note printed in the reports, as follows:

Under the general title "Farms" are included not only such tracts of tilled and untitled land as are commonly designated by that word in the older settled States, but also the ranches of the owners of flocks and of herds. Of the latter there are many in Arizona. The proprietors of some of these ranches own large tracts of land upon which cattle and sheep are fed, while others who own little or no farm lands subsist their flocks and herds, often exclusively, upon the public domain or range. The land and agricultural resources of such ranges are classed as farms when of sufficient importance to require in their management the continued labor of one or more persons.

Under that definition, as I understand it, the total farm area of Arizona is 1,935,327 acres. That only a small portion of this has been brought under actual cultivation is shown by the fact that the improved farm area of Arizona is 254,521 acres, and that of this there are 185,396 irrigated.

That the Senate may understand how small is the improved farm area of Arizona as compared with that in other Territories and States, I call attention to the fact that the improved farm area of Oklahoma, which has been occupied only ten or twelve years, is 5,511,994, or about twenty-one times as much as Arizona contains, and I believe her government was organized in 1863. The Indian Territory has an improved farm area of 3,062,193 acres, or twelve times as great as that of Arizona, and Oklahoma and Indian Territory combined have such an area thirty-three times as large as that of Arizona. To make it yet more perfectly understood, Connecticut has four times as much improved farm area as Arizona; Massachusetts has five times as much; Vermont has eight times as much; Kansas has an improved farm area amounting to 25,040,550 acres, ninety times as much as Arizona.

I have called attention to these figures simply to demonstrate what I believe to be the fact, that with the introduction of the best artificial system of irrigation which can be devised, with the storage of all the waters that can be impounded in the mountains, it will be impossible ever to irrigate any sufficient portion of Arizona to make it comparatively important from an agricultural standpoint.

To carry this thought a little further, I beg to call the attention of the Senate to certain comparisons suggested by the census tables giving the value of farm products in different States and Territories, from which it appears that in 1890 the entire value of the farm products of Arizona was \$6,997,097, while during the same year the farm products of Oklahoma and the Indian Territory amounted to \$73,119,746, or more than ten times the value of those of Arizona. To make yet more clear the extent of agriculture in Arizona, let me say that the value of farm products of Massachusetts was six times greater than that of the farm products of Arizona; in Connecticut, four times; in Vermont, four and a half times; in Kansas, twenty-nine times; in Illinois, forty-nine times; in Minnesota, twenty-three times, and in each of the Dakotas nine times in value those of Arizona.

These comparisons simply serve to emphasize the proposition which I have already made, and with that I pass on to the question of mining, because it is from the mines of Arizona, in my

judgment, that the wealth of that Territory must come. The committee in their report say:

#### MINING.

But the great occupation of the people of Arizona is mining, and the great resources of Arizona are its mineral deposits. In this much development has already occurred, and it is asserted that immense bodies of ore, notably copper and gold, exist in various portions of the Territory. (Testimony of Judge Sloan and others, pp. 123, 125, 126.)

As is the case in all mining communities, verification of these claims is uncertain and a matter for the future. All that can be taken into account is the present development. Of this the chief is the mining of copper, in the production of which Arizona stands third, Michigan and Montana alone being ahead of it. Of the copper mines, the Verde mines, belonging to Senator CLARK, of Montana; the Copper Queen, belonging to Phelps, Dodge & Co., of New York; the mines of the Shannon Copper Company; the Black Warrior Company's mines, and the properties of a great Scotch corporation are the principal. Of the gold mines, the Pierce mine, the Congress mine, and the Commonwealth mine are perhaps among the most remarkable.

The actual output at present is shown by the following table:

	1899.	1900.	1901.
Clay products.....	\$101,954.00	\$112,737.00	-----
Raw clay.....	-----	2,000.00	-----
Copper.....	\$15,906,583.20	\$14,198,131.68	-----
Gypsum.....	-----	-----	-----
Lead.....	-----	5,000.00	\$300.00
Marble.....	900.00	105.00	900.00
Limestone.....	4,168.00	64,000.00	202,500.00
Sandstone.....	2,563,100.00	4,193,400.00	4,083,000.00
Gold.....	-----	1,857,210.00	1,687,440.00
Silver.....	-----	-----	-----
Total.....	\$18,639,765.20	\$20,432,643.68	6,066,526.00

<sup>a</sup> Estimated at 12 cents per pound.

The comparative value of the above is illustrated when it is borne in mind that at the same time Colorado, Montana, and California produced the following:

#### GOLD.

	1899.	1900.	1901.
California.....	\$15,197,800	\$15,816,200	\$16,891,400
Colorado.....	25,982,800	28,829,400	27,693,500
Montana.....	4,760,100	4,698,000	4,744,100

#### SILVER.

	1899. <sup>a</sup>	1900.	1901.
California.....	\$1,065,762	\$583,668	\$555,360
Colorado.....	29,301,527	12,700,018	11,062,680
Montana.....	20,810,990	8,801,148	7,879,020

<sup>a</sup> Coining value; all other estimates at commercial value.

It appears from the table presented that the production of gold in Arizona in 1901 amounted to \$4,083,000; the production of silver, \$1,687,440. Comparing this with the production in other sections of the West, the production appears small. We find that in California there was produced four times as much gold as in Arizona, and in Colorado six times as much as in Arizona, and that Montana furnished fully as much as Arizona. We find also that Colorado produced six times as much silver as Arizona, and that Montana produced four times as much.

The product of gold and silver, even if it continues as great in the future as at present, can not alone, of course, be any basis for statehood, because in that year it amounted to only \$5,777,440, and that, when compared with other products of other States, is not of large importance. It only equals the product of stone in Vermont; it does not half equal the production of stone in Pennsylvania. But whether that will be increased, and to what extent, is entirely problematical.

The committee visited the Congress mine, situated between Prescott and Phoenix, which has already reached a depth of about 3,000 feet, I think, and which is now producing gold in large quantities, we were told. It is the only gold mine we were able to visit.

But, coming to the record of the Territory in the production of copper, we find that in 1901 it produced 130,000,000 pounds. I have made a computation of its value, in which I have tried to be entirely fair. I have called it 16 cents a pound, and I think, perhaps, at that time copper may have commanded that price. But whether it was worth so much or less, that computation would show that the value of the output was worth that year about \$20,800,000. If to that is added the value of the gold and silver produced, \$5,770,440, and the farm products, to which I have already referred, amounting to \$6,997,097, the product is \$33,567,537. This is the output of Arizona in copper, her great product, in gold and silver, and in farm products.

What is that as a State's product when compared with the products of other political divisions of the country? I do not care



to make an extravagant comparison, one that will belittle Arizona, because I do not stand here to say that there is not a future for that Territory. I hope there is; I am prepared to expect it; but it is not yet demonstrated, it is entirely problematical.

For the purpose of comparison let me say that in Vermont in 1900 the farm products alone were valued at \$33,570,892, or as much as the entire product of Arizona in gold, silver, copper, and farm products, and I have said nothing of Vermont's manufactures or any of the other sources of her wealth. Massachusetts' farm products exceeded Arizona's product of metals and farm products, and the farm products of Kansas were six times as great; and the farm products of Illinois, not mentioning all other sources of her wealth, were ten times as great as the entire production of Arizona in the lines I have mentioned.

Carrying the comparison further, the farm products of Minnesota were five times as great, and of North Dakota and South Dakota twice as great.

The railroads of Arizona have their greatest mileage in the two lines which cross the Territory, one at the northern end of the Territory and the Southern Pacific, which passes through the southern portion of the Territory. I assume that mining has been somewhat handicapped, and held back by lack of railroad facilities in the interior, where it is extremely expensive to build roads. But of late there have been built, and there are to be built, doubtless, other roads, which will serve in their way to develop this industry. And if the Senators desire full information regarding the railroads of the Territory, present and prospective, I suggest that they read in this book of testimony the statement of Mr. Frank M. Murphy. It is very full, very complete, and is given by a man who has faith in the Territory and in the mineral deposits of the Territory, and whose faith is backed by his works.

Now, then, if it be true that that population is only what the census shows, or even what is claimed by the friends of statehood, namely, that the population may at this time reach 150,000—and the same claim that it would reach 150,000 was made thirteen years ago, when a similar measure was before Congress—and it does not appear to the Senate that there is that in the Territory which will serve to invite immigration to a large extent in the immediate future, certainly statehood can not be demanded upon that ground.

The future population of that Territory, in my judgment, rests entirely, and if not entirely, to a very large extent upon the question of the development of mines and what may be found in the mountains. It may be that the hope of the people of the Territory will be realized. If so, we will all be glad. But, if this hope is realized, then comes the other proposition, How long will its prosperity last? How long can the mines be worked and how long will they produce a revenue that would place the productiveness of the Territory upon a basis which would entitle it to be a State in this Union?

As I said before, this is entirely problematical. It is not capable of demonstration. It can not be known except as time reveals it. If at the end of fifty or a hundred years, we will say, because we believe that this Government will continue for all time, the mines should be worked out, what is there left in that Territory as a basis for statehood and to give her equal representation in this body?

But I do not propose to discuss that side of the question. I hope the development will come, and that it will come within a reasonable time. If it does, we can, in all good conscience, give cordial welcome to Arizona as a State in the Union. I am referring to this subject to call the attention of the Senate to the proposition that this is not a political question. It ought not to be a political question. It is a question of great public importance and great public policy as well.

We debate and determine other great measures the provisions of which affect the business of the nation and excite the interest of the whole people. If we make mistakes, we may modify those measures; we may repeal them. If we fail to give admission to Arizona at this time, it may be an error. If so, it is one that may be corrected when further development is had. If, on the other hand, we give her admission into the galaxy of States and in so doing we make a mistake, it is a mistake that will last just as long as the Government of the United States lasts; and, therefore, I insist that it is a question which we ought to examine carefully, critically, conscientiously, and determine correctly.

Now, in contrast to the slow development there has been both in New Mexico and in Arizona, and as showing that Territorial government is no hindrance to progress, because that has been urged before this body as a reason why these Territories should be admitted, and the claim has also been made that if admitted those Territories would bound forward in wealth and in population and in industries as many of the Northern Central States have done. To show, I say, that Territorial government does not materially affect the problem of development I call attention as an illustration of that assumption to the Territory of Oklahoma.

It was opened by proclamation of the President for the first time on the 22d of April, 1889, thirteen years ago. The Government land in that Territory was taken in an hour. Why was it taken in an hour, and why has the movement of population into Arizona and New Mexico and the occupation of Government lands been so slow? It was taken in an hour because the Territory of Oklahoma had soil of wonderful fertility, but it had with that soil the early and the later rains falling upon it, and it attracted the intelligent, the aggressive, the enterprising American element of this nation who wanted to make homes, and they went in there in such numbers that the Territory was crowded at once.

It appears that there was no provision made for the government of the people so crowding in. The 70,000 people in that Territory had to make a government for themselves. They did this and it existed until the next May—May 1, 1890—when they were able to organize a Territorial government under the authority of an act of Congress. They got along, the Senator from Colorado [Mr. TELLER] suggests to me, just as well without it. Yes; and why? Because the men who went in there were men of Anglo-Saxon blood, of American training, with business habits; with the instinct and the ability for self-government. They carried themselves magnificently.

Since that time there have been added several sections to that Territory—the Kiowa Reservation, the Potawatomi, and the Fox, and one other, whose name I do not remember. History shows that as those additional reservations were opened population again poured in like a flood. It was comparatively so when the Cheyenne and Arapaho districts were added, though not so rapidly, because those districts are farther west and nearer the arid region. But when the Cherokee Strip was opened there was again a grand rush from the Central West, and that section was substantially taken up in a day. There are now included in the boundaries of Oklahoma Territory about 2,000,000 acres of land which are Indian reservations.

The area of Oklahoma just about equals that of the State of Ohio. The census of 1900 gave it a population of nearly 400,000—to be exact 398,000. At that time, at the end of ten years of occupation, the population was more than double the entire population of New Mexico and Arizona combined.

It appears by the reports of the county assessors of taxes last made that the population had increased to over 540,000. Governor Ferguson gave it as his opinion that there were now in the Territory 600,000 people, and Delegate FLYNN, in his statement before the committee, said he would be willing to have the act of admission made conditional upon the fact that there are 600,000 people in the Territory. And of this vast body of people who have gone in there only 4 per cent are foreign born and only 5 per cent are illiterate.

The taxable property of Oklahoma, as assessed in 1902, is over \$72,000,000, an increase of more than \$12,000,000 in a single year. It has twenty cities of the first class; five of them were incorporated last year. Oklahoma City, by the census of 1900, contained a population of 10,037. By a census made in 1902, under a Territorial act, it appears that it has doubled in the two years; and that the city of Guthrie, the capital of the Territory, which two years ago had a population of 10,000, now has a population of 17,000.

The committee visited both of those towns and were, I think, impressed with the conviction that it would be difficult to find many places of the same size either in the East or in the Central West where the business blocks, as a whole, are as good. We were driven through the residential portions and out into the suburbs and found the homes in those cities exceedingly good. They were attractive architecturally, well finished, and tastefully painted; the grounds were well kept, and in Oklahoma City asphalt pavements were being laid; there was a general air of thrift and activity and of growth and prosperity; we found also that the people were contented and happy.

The railroads have not waited for towns to bond themselves before going into Oklahoma. As the people have rushed into that Territory the railroads have gone with them. The magnificent soil, the abundant moisture, the crops that can be raised have attracted this population, and where the population has gone the railroads have followed, and the trains are crowded.

We saw as we traveled through that area great stacks of corn in the open air. We saw the wheat elevators at the railroad stations. We saw baled cotton also at the railroad stations in great quantities. The peculiarity of Oklahoma is that, situated as she is, she is capable of producing the crops usually raised in the great Central West and also the crops which are raised in the more extreme South. It is a marvelous Territory from an agricultural standpoint.

The people there are perfectly contented. They are not restive; they are not over anxious in respect of the question of statehood. It is a paradoxical statement, and yet I believe it to be true, that among the masses there statehood is very much desired and to



some extent dreaded. Why? They have the same longing that all Americans have to be incorporated into and become a part of this great Union of States. They have the instincts and desires that men of their birth and training should have. They would like to vote for President of the United States.

On the other hand, they are so protected by the Harrison law, which prevents the extreme bonding of municipal corporations in aid of railroads and other public enterprises, that they feel that they are safe, and they do not know what a State legislature, with that restriction removed, might be induced to do under the manipulation of powerful corporations. As a whole they want statehood, and yet the thoughtful men of that Territory hesitate about it, just as the thoughtful men in New Mexico and Arizona hesitate about statehood, as we found frequently in common conversation, and for the same reason.

Mr. BURTON. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Kansas?

Mr. DILLINGHAM. Gladly.

Mr. BURTON. How much greater is the mileage of railways in Oklahoma than in New Mexico?

Mr. DILLINGHAM. I do not know that it is any larger. There are two lines of railroad in New Mexico that are through lines, from the East to the West.

Mr. BEVERIDGE. Transcontinental?

Mr. DILLINGHAM. They are transcontinental lines, and they constitute the great proportion of all the railroads of New Mexico.

Mr. BURTON. May I ask the Senator how many railways are in course of construction now in New Mexico?

Mr. DILLINGHAM. I am unable to give the number. It is contained in the testimony of Mr. Murphy, to which I have called attention. You will find it in the printed volume of the testimony.

Mr. BURTON. If the Senator will permit another question, about what is the mileage that has been built within the last two years that is not transcontinental?

Mr. BEVERIDGE. In New Mexico?

Mr. BURTON. In New Mexico.

Mr. DILLINGHAM. I do not carry the figures in my mind.

Mr. BEVERIDGE. I think I can probably give a little information to the Senator from Kansas on that subject.

Mr. DILLINGHAM. I would be very glad to have the Senator from Indiana do so.

Mr. BEVERIDGE. There are two transcontinental lines. The Santa Fe, which runs across the Territory and branches out from Albuquerque to El Paso; also a branch to Pecos, Tex. In addition to that there is the projected line, partly built, partly graded, and most of it surveyed, starting from Santa Fe. That, I think, is intended to penetrate what is known as the timber country. That is the line which is referred to in the statement of the Delegate from the Territory before the committee, if the Senator will look at it. I think that is substantially all.

Mr. BURTON. I will ask the Senator if the Rock Island road has not built from El Paso through the Pecos Valley within the last eighteen months?

Mr. BEVERIDGE. That is true. I had forgotten it. The Rock Island has been built from El Paso through Alamogordo and through the Territory into Oklahoma. That is correct. It connects at El Paso with the Southern Pacific. Then there is a line, the Southern Pacific again, if I remember, though I am not sure, connecting from Arizona with the Santa Fe at Las Cruces.

Mr. DILLINGHAM. One of the strongest reasons that was urged why New Mexico should be admitted was this: Ignoring the fact that the road last mentioned by the Senator from Indiana has been built through the Territory by the Rock Island Company, it was said there is another piece of road begun but not completed, the owners of which are from the North, and it was urged before the committee that they had not yet bonded their road because they did not want to take that action under Territorial government.

The committee were unable to see how there should be any greater difficulty in bonding the road under Territorial government than there would be under State government. But if the owners come asking the section through which the road passes to bond itself for the benefit of the road, then I can see why the owners should favor statehood. That is the reason why there is a conservative element in New Mexico who are opposed to statehood, fearing the results if the restrictions under the Harrison Act are removed, and a part of the fear so entertained grows out of the conditions referred to in the testimony of Mr. Hughes, which I have before cited.

As to the characteristics of the Mexican members of the Territorial legislature, there is a fear that they are not the class of men who have developed in them that individuality which you find in the average American citizen, which enables him to act independently, of his own volition, upon his own strength, and to be able to give a reason for his action.

Mr. TELLER. And you would keep them out until they reach that point.

Mr. DILLINGHAM. The Senator from Colorado suggests that I intend to keep them out until they reach that point. If my vote will have anything to do about it, I will keep New Mexico out of the Union until under the operation of her school law now in force that result is attained which was mentioned by Martinez Amador, the old Mexican to whom I referred yesterday, who said that, in his judgment, the old class of Mexicans in that Territory were not now fitted for nor did they desire statehood, but that when their children should become educated, then they would be prepared to go along with it, and then they would favor statehood.

Mr. TELLER. May I interrupt the Senator?

Mr. DILLINGHAM. Certainly.

Mr. TELLER. I wish to ask the Senator from Vermont if he does not recognize that the characteristics which he says these people are lacking are not the result of education, but that they belong to the race, and upon that theory he is going to keep those Mexicans out through all time?

Mr. DILLINGHAM. I do not think that. If the Senator from Colorado—

Mr. TELLER. I suggest to the Senator that when, from his own statement, they have had fifty years and have not made any progress toward this end there is little hope of their doing it in the future, and, to be frank, the opponents of statehood ought to say to us that they do not think they are fit for self-government. That is all there is about it.

Mr. DILLINGHAM. In reply, let me suggest that no matter whose fault it may be—and I do not say whether it is the Government's fault or the Territory's fault—during that fifty years this class of people have not had the advantages which are suggested by my esteemed friend.

It appeared from the testimony of Mr. Hughes that it was in 1889 that the present school law was passed. The figures that were presented by the Senator from New Hampshire [Mr. GALLINGER], showing that between 1880 and 1890 there was such a tremendous per cent of increase in the school attendance of New Mexico, was an unfair statement, not that he intended that it should be unfair, but it was unfair from the fact that previous to that time they had not had school facilities, and that they had to come in in great numbers when the schools were provided.

Mr. LODGE. Does the Senator mean between 1890 and 1900?

Mr. DILLINGHAM. No; between 1880 and 1890. The school law was passed in 1889, and children rushed in.

Mr. LODGE. The great increase occurred in 1890.

Mr. DILLINGHAM. In 1887 it was introduced, and that was my explanation; therefore it was not to the discredit of Eastern States that their increase in schools had not been as great, because in the East the children had always been in schools, whereas in New Mexico they had not.

Now, I have faith in the Mexican race. I am glad to say it. They are inert; they have not yet come into contact with the American race in such a way as to be leavened and quickened and to be brought into that condition of thought which is possessed by the average American citizen. But, on the other hand, when they shall have become educated, when through that education they come to mingle more commonly with the American people, when they cease to isolate themselves in their own villages and employ their own language and think their own old inherited thoughts, then it is, in my opinion, they will make a good class of citizens. So New Mexico has a future before her. I would be very sorry to be misunderstood upon that subject, and I am glad that my friend called my attention to it and gave me this opportunity to make an explanation.

But proceeding, Mr. President, with Oklahoma. I have called attention to her wonderful development and the reason for it. These reasons are shown even more clearly by the statistics gathered by the Census Office.

I do not hesitate to assert that a great development will come to a people, regardless of the fact that they live under a Territorial government rather than under a State government, provided the natural conditions exist upon which to base that development.

Take the total value of farm property, exclusive of stock, if you see fit. We find that in Arizona in 1900 it was \$14,448,160; in New Mexico it was \$22,040,424; in the Indian Territory, \$50,802,920; and in Oklahoma, \$130,514,250, and accumulated in ten years' time. In other words, Oklahoma's farms were eight and one-half times greater in value at the end of ten years than the value of the farms in Arizona after a period of Territorial government extending from 1863, and nearly six times greater than in New Mexico, and three times greater than the farm values in both New Mexico and Arizona combined. Even the Indian Territory's farm values, exclusive of stock, were three times greater than those in Arizona, and twice as great as those in New Mexico.

Take the improved farm lands in acreage. This furnishes another illustration of the proposition. In Arizona there are



254,521 acres; in New Mexico, 326,873 acres; in the Indian Territory, 3,062,193; in Oklahoma, 5,511,994 acres. In Oklahoma Territory and Indian Territory combined there were improved farm lands amounting to 8,574,187 acres. Or putting it in a comparative form, Oklahoma has twenty-one times as much improved farm lands as Arizona and nearly seventeen times as much as New Mexico. Take the two Territories of Oklahoma and Indian Territory together. They have thirty-three times as much improved farm area as Arizona, twenty-six times as much as New Mexico, and fourteen times as much as both Arizona and New Mexico combined.

Test this proposition by the value of the farm products, which in Arizona in 1900 were \$6,997,097; in New Mexico, \$10,155,215; in Indian Territory, \$27,672,002; in Oklahoma, \$45,447,774, and in the two Territories, Oklahoma and Indian Territory, combined \$73,119,746; or, stated in another form, it appears that the value of Oklahoma's products are seven and one-half times greater in value than those of Arizona, and four and one-half times greater in value than those of New Mexico, and the combined farm products of Oklahoma and Indian Territories were in value ten times greater than Arizona's, seven times greater than New Mexico's, and more than four times greater than both.

Observe also the development of the Indian Territory under her adverse conditions, under Indian government, with the impossibility of the white man to secure title to land except in the town districts, I believe. With the 80,000 Indians in that Territory—and, as Delegate FLYNN explained to us, "not blanket Indians, but Indians as white as you and I"—with 80,000 Indians in the Territory, it appears that there are also about 320,000 white men and women.

Mr. SPOONER. Other white men and women.

Mr. DILLINGHAM. Yes; other white men and women. So that the Indian population, however good it may be in that Territory, is less than one-third in number of the population of the Territory; and yet this great number of our fellow-citizens who have gone in there, attracted by the natural advantages of the Territory, have no Territorial form of government; they are in a most deplorable condition in respect of schools, highways, and in respect of everything enjoyed under either Territorial or State governments. Yet in that Territory, including the Indians, the per cent of illiterates is only 17.

Moreover, Governor Ferguson, a most considerate, careful man, while he probably himself favors statehood for Oklahoma alone, very frankly states that Oklahoma is purely an agricultural Territory; that she has nothing outside of her agriculture to depend upon, unless it is some deposits of cement in the western part of the Territory, which are said to be very valuable. On the other hand, he says in the Indian Territory they have magnificent bodies of coal, they have great forests, and they have all the other things aside from agriculture which would go well with the agriculture of Oklahoma in forming a State.

No comparison can be made between Oklahoma and the other two Territories either in respect of population, of wealth, of resources, or in prospect, as I believe, of future greatness. It does not seem to me that the claims of these respective Territories should be considered at the same time and under the provisions of the same bill.

Arizona and New Mexico have been to Congress rapping for admission over and over again, and it has been refused. This is the first time, as I understand it, that Oklahoma has made application. She comes here presenting a strong claim. Why she has linked these claims to those other Territories I do not know. But because this is an omnibus bill, containing provisions for the admission of the three Territories, it should not, in my judgment, lead us to treat them as a whole. The admission of a State into the Union of the States of this great nation is a matter of such prime importance that we should give the examination of the claims of each of these Territories that careful, that full, that considerate attention which they deserve.

Oklahoma has the elements I have already mentioned which will continue to attract immigration within her borders. I think it has been the universal history of every political body in our country that has had agriculture for its source of development that with agricultural developments manufactures have sprung up, large cities have been built, trade and commerce have followed, and prosperity has abounded. I look forward to the time when in Oklahoma there will also be a development in other lines than agriculture which shall place her in the front rank of States.

The committee, in making their report to the Senate, have referred to the complaints made by some of the advocates of statehood of what somebody has called the iniquity of Territorial government. I presume there have been Territories which, in the past, have had just cause for complaint. I want to say, however, that neither in New Mexico nor in Arizona did I hear a specific complaint in respect to the operation of the Territorial governments as now administered. If there is a more honest, a

more fair-minded, a more capable man in Arizona than Governor Brodie, I did not meet him. He has been there over thirty years; he was in the Army, and as a young man fought Indians in Arizona; he is as thoroughly acquainted with the needs of that Territory as it is possible for a man to be. He is universally esteemed.

Careful inquiry was made as to the judiciary of the Territories, with the result that no complaints whatever were found with any of the judges; on the other hand, they were universally praised in respect of their ability, their candor, and their honesty.

The people have the same opportunity for the election of their Territorial legislature that they would have for a State legislature. So that, so far as they are materially concerned, it has not seemed to the committee that in those two Territories there would be any particular disadvantage experienced if they should continue a little longer under that form of government.

We appreciate the feeling of some of the people that it would be a satisfaction to vote for President of the United States and to be represented in this great legislative body; and we sincerely hope that in the early future the conditions will be such that we can, in fairness to the rest of the nation, admit those Territories as States and give them a warm welcome into the Union. But compared with the States which from time to time have been admitted, the percentage of their population is so low that the committee have included in their report a large number of comparisons intended to bring the attention of the Senate to the disproportionate influence and power which those Territories would have in this body were they to be admitted as States. It is not my purpose to read such comparisons. They are before the Senate. There are a large number of them. But simply as an illustration of the thought I have in mind I read what the committee say in relation to Philadelphia and Pennsylvania:

Philadelphia alone would make six States as large as New Mexico—

That is, in population—

so that if we do not utterly abandon the idea of government by population instead of a government by square miles a citizen of New Mexico would have six times the voting power in the Senate of the United States that a citizen of Pennsylvania would, even were Pennsylvania confined entirely to the limits of Philadelphia alone.

Philadelphia would make more than ten States as large as Arizona, so that the citizen of Arizona would have in the Senate of the United States nearly eleven times the voting power of the citizen of Pennsylvania were Pennsylvania confined to the limits of Philadelphia alone, and Philadelphia would make four States as large as New Mexico and Arizona put together.

The committee in their report further say:

These illustrations are, of course, not given to prove that there should be an equality of population in all of the States, but to demonstrate the reasonableness of the proposition that a new State must have a population bearing some just proportion to the population of the nation as a whole; and they illustrate the serious disparity in power in national legislation between the remainder of the nation and these two Territories, mighty in area, but scanty in people.

They emphasize the inherent injustice to the remainder of the nation involved in placing the policies of the country, both foreign and domestic, and the destiny of the Republic for all time to come, in the hands of so small a number of fellow-citizens, even though every individual in these Territories were the finest possible type mentally, morally, and in the educational qualifications.

How much greater is the force of these considerations when to them are added the alien speech of the great majority of the people of New Mexico and many of the people of Arizona, and the high rate of illiteracy, diminishing though that illiteracy may happily be.

In conclusion, Mr. President, I can only repeat what I have said before, that this is not and should not be treated as a political question. It is one of national importance. No mistake, far-reaching in its effects, should be made. The action of this body should be conservative, cautious, wise. While it should be just to those seeking admission, it should be equally just toward the States and the nation.

For the reasons outlined in these remarks I have joined in the report made by the committee, and shall feel it my duty to vote for the admission of Oklahoma, but against the admission of Arizona and New Mexico at this time.

Mr. NELSON. Mr. President, I desire to submit a few remarks and considerations why the bill for the admission of these three Territories as States ought not to be passed.

Mr. TELLER. Before the Senator does that, may I make an inquiry?

Mr. NELSON. Certainly.

Mr. TELLER. I have been told that there was some arrangement made by which this discussion is to cease with to-day. Is that the fact?

Mr. BEVERIDGE. It was the understanding that immediately upon the conclusion of the remarks of the Senator from Vermont [Mr. DILLINGHAM] there would be no further discussion of this measure until Monday, the 5th day of January, and I expected that the Senator from Minnesota [Mr. NELSON] would go on then. Perhaps he may be taking the floor now in order to have it at that time.

Mr. TELLER. I want to say a word, if the Senator will allow me.

Mr. NELSON. Certainly.



Mr. TELLER. I want to say a few words on this bill before the holiday recess. I do not want to take very much time, but I do want to say something with reference to the character of the people of New Mexico. I think they have been, to speak mildly, slandered by the committee and slandered by the Senator from Vermont [Mr. DILLINGHAM], and I want, at least, having a pretty thorough acquaintance with that people, to say something about them, and I shall insist upon saying it either to-day or to-morrow or some other day before we adjourn. I do not think it is fair that the Senator should make a speech and then cut the rest of us off from dissenting from some of his statements and conclusions.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. The President pro tempore was not in the chair when the unanimous consent was given. Will the Secretary please read it to the Senate?

The Secretary read as follows:

By unanimous consent it is agreed that upon the conclusion of the remarks of the Senator from Vermont [Mr. DILLINGHAM] there shall be no further discussion of H. R. 12543, the omnibus statehood bill, until January 5, 1903, at 2 o'clock p. m., when some member of the Committee on Territories who has joined in the majority report shall be ready and shall proceed with the discussion of the bill. It is especially agreed that the remarks of the Senator from Vermont shall appear in some copy of the CONGRESSIONAL RECORD of the present week.

Mr. BEVERIDGE. That is right. I do not know how the Senator from Minnesota [Mr. NELSON] who has the floor might feel about it, but, so far as I am concerned, I should be glad to ask unanimous consent, in addition to the above agreement, that the Senator from Colorado [Mr. TELLER] may proceed now with the discussion, the Senator from Minnesota to retain the floor, and the discussion to terminate with the remarks of the Senator from Colorado until after the recess, unless some member of the committee or some other Senator shall desire to make a short answer to that at this time. I ask unanimous consent that that may be done, if it be agreeable to the Senator from Minnesota.

Mr. WELLINGTON. Mr. President, I see that the Senator from Pennsylvania [Mr. QUAY], who was a party to that unanimous-consent agreement and with whom it was made, is not present, and I shall feel compelled to object to any infringement of that unanimous-consent agreement unless he is present.

Mr. BEVERIDGE. I merely ask unanimous consent as a matter of courtesy to the Senator from Colorado. I am satisfied the Senator from Pennsylvania would not object to that, but if there is objection, of course that ends it, and the thing remains now, with the Senator from Minnesota, as I understand, having the floor, but not to proceed and nobody else to proceed with the discussion until January 5.

Mr. McLAURIN of Mississippi. The Senator from Pennsylvania is very desirous to expedite the bill as much as possible. I am satisfied that if he were here he would be glad for the Senator from Minnesota to go on now, and after that for the Senator from Colorado to proceed, because those two speeches will then have been made before the Christmas holidays. So the bill would take that much less time after the holidays, and it would be expedited, a thing which is very much desired by the Senator from Pennsylvania. I do not think he would object to that if he were here. I am sure he would not.

The PRESIDENT pro tempore. The Senator from Minnesota can not, with propriety at any rate, go on with the discussion of the bill under the unanimous-consent agreement which has just been read to the Senate.

Mr. BEVERIDGE. He can take the floor. I merely mean to make that as an inquiry of the Chair.

The PRESIDENT pro tempore. The Chair does not understand that the Senator can take the floor and then surrender it, but the Chair would hold himself under obligation to recognize the Senator at the time named in the unanimous-consent agreement.

Mr. BEVERIDGE. That is satisfactory to us, Mr. President.

Mr. NELSON. I was out of the Chamber for a time, and therefore was not aware of the fact that this unanimous-consent agreement had been entered into. In view of that fact, of course I have no desire to proceed at this time. I have no desire to violate the rule thus adopted by the Senate, but I ask that I may have the privilege of taking the floor when this matter again comes up.

Mr. TELLER. Mr. President, I have never violated any of these arrangements which have been made and I do not intend to do so now; but if I had known what the arrangement was I certainly should have objected to it to-day, because I had it in mind at least that I should say a few words on this question, not on the merits of the bill, but in defense of several hundred thousand people in the United States of a certain nationality and race. That is all I desired. I did not desire to discuss the bill this afternoon, although I shall do that after the recess if I live to get back here. I simply wanted to say—and that is not discussing the bill—that I think the characterization of these people

by the committee and by the Senator from Vermont is not supported by the facts. I say that after more than forty years' acquaintance with that class of people, both in Colorado and New Mexico. I want to repeat what I said yesterday—that they are good, loyal people.

Mr. WELLINGTON. Mr. President, I have been appealed to by certain Senators, and, so far as I am concerned, if my objection interferes with the further discussion of this matter I am willing to withdraw the objection.

The PRESIDENT pro tempore. The Senator from Indiana [Mr. BEVERIDGE] asks unanimous consent that the Senator from Colorado [Mr. TELLER], notwithstanding the unanimous consent previously given, may now proceed to further discuss the question of the statehood bill. Is there objection?

Mr. BEVERIDGE. With the further understanding that if any member of the committee or any Senator who agrees with the majority of the committee desires to do so this afternoon, he may briefly reply to the Senator from Colorado, and that thereupon, or in case no one desires to do so, upon the conclusion of the remarks of the Senator from Colorado, the original unanimous-consent agreement shall stand; that is to say, that there shall be no further discussion of the measure on either side until Monday, January 5, when some member of the committee will be prepared to proceed.

The PRESIDENT pro tempore. The Senator from Indiana modifies his request, which now is that the Senator from Colorado [Mr. TELLER] may proceed to discuss the statehood bill at the present time, and that any member of the committee so desiring may reply to him, and that that shall end further discussion until January 5. Is there objection?

Mr. SPOONER. I should like to inquire under that arrangement what becomes of the Senator from Minnesota [Mr. NELSON], he having taken the floor to proceed?

The PRESIDENT pro tempore. Unanimous consent having been given that there should be no further discussion of this bill until January 5, the Senator from Minnesota, being absent at the time that consent was given, and not knowing of it, rose to address the Senate, and was then reminded of the unanimous-consent agreement, immediately took his seat, and the Senator from Colorado [Mr. TELLER] desired to reply to some strictures that had been made upon the character of the people of New Mexico, and he desired to do so at this time. That unanimous consent, of course, interposed there. Thereupon the Senator from Indiana [Mr. BEVERIDGE] asked unanimous consent that the Senator from Colorado might discuss the statehood bill at the present time, and that any member of the committee desiring to do so might reply—

Mr. BEVERIDGE. Or any other Senator.

The PRESIDENT pro tempore. Or anyone desiring to reply to the Senator from Colorado might do so, and that there shall be no further discussion than that until January 5. Is there objection?

Mr. BEVERIDGE. "Any other Senator," Mr. President. I distinctly said "any member of the committee or any other Senator agreeing with the majority."

The PRESIDENT pro tempore. Yes, that is true—agreeing with the majority.

Mr. QUAY. Mr. President, my understanding was not, when the unanimous-consent agreement of this morning was concluded, that it applied to a discussion of this bill. No unanimous-consent agreement, I think, can gag this Senate. The Senator from Colorado can make his speech on this bill or upon any pending measure in the Senate. Am I in error in that?

The PRESIDENT pro tempore. Senators sometimes do make speeches utterly regardless of the bill pending. [Laughter.]

Mr. QUAY. There is no difficulty about doing that. Any Senator can make his speech upon any question or any bill pending in the Senate. That is well established by the precedents of the Senate. The unanimous-consent agreement was that the bill should go over.

Mr. BEVERIDGE. The unanimous-consent agreement is correctly stated, according to my recollection, by the record read by the Secretary; which is that after the Senator from Vermont had to-day concluded his speech then the further discussion of the measure should cease until January 5, when some member of the committee would be prepared to proceed, taking up the discussion at that time. That unanimous consent was given and has been read to the Senate in the absence of the Senator from Pennsylvania, as stated.

Mr. QUAY. I did not hear it. It was a mistake, then.

Mr. BEVERIDGE. That was the way I understood it.

Mr. QUAY. My intention was that the bill should go over—that it should not be forced upon the Senate and compel Senators to discuss it if they were not prepared to go on. That was all.



Mr. BEVERIDGE. I know there are a great many Senators who desire to leave the city—

Mr. QUAY. Therefore the bill should go over, coming up in its regular order on the 5th of January, at which time some member of the majority of the Committee on Territories was to take the floor. That was my understanding.

The PRESIDENT pro tempore. The Secretary will please again read the agreement.

Mr. BEVERIDGE. There is no practical difference between the Senator from Pennsylvania and myself, because I myself asked for unanimous consent to modify that agreement so as to let the Senator from Colorado proceed this afternoon.

Mr. QUAY. So far as I am concerned, I have no objection to any Senator proceeding to talk upon this bill from now until Saturday; but so far as the order binding the Senate down to the consideration of the bill every day at 2 o'clock is concerned, that is practically suspended until the 5th of January. That was all I intended when the agreement was made, and I think that was the language of the agreement.

Mr. BEVERIDGE. The Senator can hear the agreement read. The agreement states it the way I understood it and the way I remember it.

Mr. QUAY. I shall be glad to hear it.

The PRESIDENT pro tempore. The Secretary will again read to the Senate the unanimous-consent agreement.

The Secretary read as follows:

By unanimous consent it is agreed that upon the conclusion of the remarks of the Senator from Vermont [Mr. DILLINGHAM] there shall be no further discussion of H. R. 12543, the omnibus statehood bill, until January 5, 1903, at 2 o'clock p. m., when some member of the Committee on Territories who has joined in the majority report shall be ready and shall proceed with the discussion of the bill. It is especially agreed that the remarks of the Senator from Vermont shall appear in some copy of the CONGRESSIONAL RECORD of the present week.

Mr. QUAY. That was not my understanding, Mr. President. My understanding of the agreement was simply that the bill should go over. I have no objection, if the Senator from Colorado and the Senator from Minnesota so desire to go on that they shall consume the balance of the week in the discussion of this bill.

Mr. WELLINGTON. There is no question about the fact that the Senator from Indiana [Mr. BEVERIDGE] is correct in his remembrance of the agreement. The agreement is correctly stated. It was that all discussion upon this bill should cease upon the conclusion of the remarks of the Senator from Vermont.

Mr. QUAY. That was not my understanding of it.

Mr. BEVERIDGE. There is practically no difference between the Senator from Pennsylvania and myself, because I have asked unanimous consent to modify the agreement to the extent that the Senator from Colorado, who desires to leave, may make his remarks upon this matter, and that, after he concludes, any member of the majority of the committee or any Senator agreeing with them may, if he so desires, briefly answer. Aside from that, the original agreement stands; that is to say, discussion then ends until January 5 on either side or by anybody.

Mr. SPOONER. "Briefly" is a pretty indefinite phrase to put in an agreement.

Mr. BEVERIDGE. Of course I take "briefly" out; I withdraw that.

Mr. QUAY. I have certainly no objection to the Senator from Colorado proceeding or to the Senator from Minnesota proceeding; in fact, I should be very glad if the majority of the Committee on Territories would proceed this week until they exhaust the debate, but they are not going to do so.

Mr. FORAKER. Mr. President, we are all agreed that we have a consent agreement; it has been read, and it provides that there shall be no further discussion of this bill until January 5, when we meet after the vacation. It is proposed that we modify it. This is the first time since I have been in the Senate that I have known an effort to be made to modify a unanimous-consent agreement such as we have entered into.

Mr. TELLER. Oh, no.

Mr. FORAKER. It is the first time I have heard of it since I have been here.

Mr. TELLER. Oh, no.

Mr. FORAKER. I challenge any Senator to find in the RECORD any instance where we have set aside a unanimous-consent agreement. It may have been done.

Mr. BEVERIDGE. I do not ask to set it aside; on the contrary, I expect to stand by it, but I made the suggestion as a matter of courtesy to the Senator from Colorado, to afford him an opportunity to speak.

Mr. FORAKER. I do not want to cut the Senator from Colorado off. I am in entire sympathy with what the Senator from Colorado wants to say, but at the same time I do not want this consent agreement violated. I do not think we shall accomplish any good purpose by doing so.

Mr. TELLER. It will not be violated so far as I am concerned.

Mr. FORAKER. I am sure it will not be.

Mr. BEVERIDGE. I withdraw my request.

Mr. FORAKER. But I do not want the agreement set aside. I think, having made it, we ought to adhere to it. We made it intelligently. Every Senator who was in the Chamber at the time knew we were making that kind of an agreement; the agreement was stated at the desk, and if there was anyone disposed to object to it that was the time to make the objection.

I think it is idle to make unanimous-consent agreements if, when anyone sees fit to make such a request, we are going to modify or set aside or disregard them, because the moment a unanimous-consent agreement is made all Senators conform to that as the programme that has been marked out. I do not know how many Senators, or whether any at all, have left upon the theory that there would be no more discussion of this bill; but probably there have been some, and they would have a right to complain. Every Senator who is absent now and who was present in the Chamber when the agreement was made, and participated in making it, would have a right to complain of us if we should see fit in his absence, without any notice to him, to enter into an agreement of a different kind.

I should be very glad to hear the Senator from Colorado, but we can hear him, I think, without any injury to the cause, on the particular point to which he now wishes to address himself when he comes to discuss the bill. We shall then have his speech altogether. I object to any modification of the agreement.

Mr. TELLER. Mr. President, I am not going to ask any favors of the Senate. There has been no member of this body during the last twenty-five years or more who has been more insistent upon maintaining these unanimous-consent agreements than myself; but when the Senator from Ohio says that they have never been modified, he is not acquainted with the history of the discussions of this Senate.

Mr. FORAKER. I did not say they had never been modified; but only since I have been here.

Mr. TELLER. There have been repeated modifications. There can no harm come in a modification when every Senator agrees to it. When the power is reserved for one Senator to object, there will never be any modifications that will cause any distress or any fair criticism.

Now, I can, without any question—and nobody could prevent me—take the floor and make a speech on this question; but I know that the business of the Senate can not be conducted properly unless we stand by these unanimous-consent agreements. I did not know, of course, of this agreement until I took the floor. I was told of it just a few minutes ago. I am not, however, now going to debate the bill. What I wanted to say, I think, would hardly come within the rule of debating the bill, nor would it require anybody, unless it might be some member of the committee, to reply to me, and that he could do if he saw fit. Of course, the matter may go now; but I regret to say that I have not had an opportunity to make a proper defense of a very respectable number of my constituents, which I will do after the recess, if I live to get back here. I shall then pay attention to what I think is a gross and most uncalled-for slander of a large part of the population in my portion of the country.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 4825) providing for a union station in the District of Columbia, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 12270) to provide for the allotment of lands in severalty to the Indians in the State of New York, and extend the protection of the laws of the United States and of the State of New York over such Indians, and for other purposes; and

A joint resolution (H. J. Res. 227) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 4572) to grant honorable discharge from the military service to Charles H. Hawley;

A bill (S. 4067) granting an increase of pension to Julia L. Gordon; and

A bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery.



## EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-two minutes spent in executive session the doors were reopened.

## HOUSE BILL REFERRED.

The bill (H. R. 12370) to provide for the allotment of lands in severalty to the Indians in the State of New York, and extend the protection of the laws of the United States and of the State of New York over such Indians, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

## UNION RAILROAD STATION.

The PRESIDENT pro tempore. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 4825) providing for a union station in the District of Columbia, and for other purposes.

Mr. GALLINGER. I move that the Senate disagree to the amendments of the House of Representatives, and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. DILLINGHAM, and Mr. MARTIN were appointed.

## PAY OF EMPLOYEES.

The PRESIDENT pro tempore laid before the Senate the joint resolution (H. J. Res. 227) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month.

Mr. ALLISON. I ask unanimous consent that, without being referred, the joint resolution may be considered and put upon its passage at this time.

The joint resolution was read the first time by its title, and the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1902, on the 18th day of said month.*

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 17, 1902, at 12 o'clock m.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate December 16, 1902.*

## ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Lloyd C. Griscom, of Pennsylvania, now envoy extraordinary and minister plenipotentiary to Persia, to be envoy extraordinary and minister plenipotentiary of the United States to Japan.

## CONSUL.

William Bardel, of New York, now commercial agent at that place, to be consul of the United States at Bamberg, Bavaria.

## COLLECTOR OF INTERNAL REVENUE.

Micah J. Jenkins, of South Carolina, to be collector of internal revenue for the district of South Carolina.

## ASSISTANT COLLECTOR OF CUSTOMS.

Frank F. Patterson, of New Jersey, to be assistant collector of customs for the port of Camden, N. J., in the district of Philadelphia, in the State of Pennsylvania.

## POSTMASTERS.

## PENNSYLVANIA.

John A. McKee, to be postmaster at Newcastle, in the county of Lawrence and State of Pennsylvania.

## WEST VIRGINIA.

H. I. Shott, to be postmaster at Bluefield, in the county of Mercer and State of West Virginia.

Isaac M. Adams, to be postmaster at Ravenswood, in the county of Jackson and State of West Virginia.

S. G. Walker, to be postmaster at Thurmond, in the county of Fayette and State of West Virginia.

## TREATY WITH SPAIN.

The injunction of secrecy was removed December 16, 1902, from the treaty of friendship and general relations between the United States and the Kingdom of Spain signed at Madrid on July 3, 1902.

## HOUSE OF REPRESENTATIVES.

TUESDAY, December 16, 1902.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

## LOCK AND DAM IN BAYOU VERMILION, LOUISIANA.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15605) to authorize and empower the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, to construct a lock or locks and a dam in Bayou Vermilion, in the State of Louisiana; which I will send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc., That the Southwest Louisiana Rice Growers' Association, of the State of Louisiana, be, and is hereby, authorized to construct a lock or locks and a dam near the mouth of Bayou Vermilion or at some suitable point in said bayou: Provided, That said lock or locks and a dam shall be constructed and paid for by said association. The examination and surveys for the construction of said lock or locks and a dam, and the construction of the same, shall be subject to the supervision of the United States engineers and done in accordance with plans and specifications to be furnished by said association and approved by the Secretary of War. The work on said lock or locks and a dam may commence as soon as said association shall judge proper after the survey provided for above shall have been made and plans and specifications for said lock or locks and a dam shall have been approved by the Secretary of War. The maintenance of said lock or locks and a dam shall devolve on said association, which shall at all times keep same in proper condition and so as not to interfere with the free navigation of said bayou; nor shall said association at any time impose any toll for the passage of any craft through said lock or locks.*

The following committee amendments were read:

Add in line 6 of the first page, after the words "said bayou," the words "to be approved by the Secretary of War."

Add at the end of section 1 the following: "Provided further, That such suitable fishways as may be prescribed by the United States Fish and Fisheries Commission shall be provided in the said dam by the said association."

Add, as section 2, the following: "That this act shall be null and void unless the privilege hereby granted shall be availed of within two years from the date hereof."

Add, as section 3, the following: "That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection to the present consideration of the bill which the Clerk has reported? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the third reading of the bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. BROUSSARD, a motion to reconsider the last vote was laid on the table.

## RESURVEY OF CERTAIN LANDS IN THE STATE OF WYOMING.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4617) to authorize a resurvey of certain lands in the State of Wyoming, and for other purposes, which I will send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be made a resurvey of the following townships in the State of Wyoming: Townships 49, 50, 51, and 52 north, ranges 97, 98, 99, 100, 101, 102, 103, and 104 west, of the sixth principal meridian; townships 53, 54, 55, and 56 north, ranges 93, 94, 95, 96, 97, 98, 99, and 100 west, of the sixth principal meridian. And all rules and regulations of the Department of the Interior requiring petitions from all settlers on said lands asking for a resurvey and an agreement to abide by the result of the survey, so far as these lands are concerned, are hereby abrogated: Provided, That nothing herein contained shall be so construed as to impair the present bona fide rights or claim of any actual occupant of any of said lands so occupied to the amount of land to which, under the law, he is entitled.*

Mr. MONDELL. Mr. Speaker, by direction of the Committee on Public Lands, I offer the following amendment.

The Clerk read as follows:

On line 6, page 1, after the word "ranges," insert the words "ninety-three, ninety-four, ninety-five, and ninety-six."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STEELE. Mr. Speaker, I would like to know the purpose of this bill.

Mr. MONDELL. Mr. Speaker, under the present regulations of the General Land Office it is necessary where resurveys are desired to obtain the consent in writing of all owners and claimants to all of the lands involved. At times it is practically impossible to do this. Under the regulations of the Land Office it is impossible that any holder or owner of land shall be in any way injured, as his lands are first surveyed, lines run out, and then the general lines of survey extended. The Department, in my opinion, has authority to waive its own regulations, but it prefers not to do so, and recommends this legislation in order that these surveys which are much needed and desired by the settlers may be had.

Mr. SHAFROTH. Mr. Speaker, I would like to ask the gentleman a question. I will inquire whether the amendment which



the gentleman offered, including some ranges, adds anything additional to that recommended by the committee?

Mr. MONDELL. The amendment adds to the bill four townships.

Mr. SHAFROTH. Those are the townships that we authorized. I did not remember that the amendment was in the words read. I just want to know whether it added anything over and above what the committee authorized in the bill.

Mr. MONDELL. That amendment was authorized by the committee at its last meeting, including four additional townships.

Mr. SHAFROTH. And those are the four which the gentleman adds?

Mr. MONDELL. Those are the four.

Mr. SHAFROTH. I will state, Mr. Speaker, that it is the unanimous report of the Committee on Public Lands, and I see no objection whatever.

The SPEAKER. The question is on the amendment offered by the gentleman from Wyoming, by direction of his committee. The amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. MONDELL, a motion to reconsider the last vote was laid on the table.

#### LOCK AND DAM IN MERMENEAU RIVER, LOUISIANA.

Mr. DAVEY of Louisiana. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 15606) to authorize and empower the Rice Irrigation and Improvement Association, of the State of Louisiana, to construct a lock or locks and a dam in MermenEAU River, in the State of Louisiana, which I will send to the desk and ask to have read.

The Clerk read as follows:

*Be it enacted, etc.,* That the Rice Irrigation and Improvement Association, of the State of Louisiana, be, and is hereby, authorized to construct a lock or locks and a dam near the mouth of MermenEAU River or at some suitable point in said river: *Provided,* That said lock or locks and a dam shall be constructed and paid for by said association. The examination and surveys for the construction of said lock or locks and a dam, and the construction of the same, shall be subject to the supervision of the United States engineers and done in accordance with plans and specifications to be furnished by said association and approved by the Secretary of War. The work on said lock or locks and a dam may commence as soon as said association shall judge proper after the survey provided for above shall have been made and plans and specifications for said lock or locks and a dam shall have been approved by the Secretary of War. The maintenance of said lock or locks and a dam shall devolve on said association, which shall at all times keep same in proper condition and so as not to interfere with the free navigation of said bayou; nor shall said association at any time impose any toll for the passage of any craft through said lock or locks.

The following committee amendments were read:

Strike out the letter "e" in the title in the last syllable of the word "MermenEAU," making the spelling "MermenEAU;" also by making the same correction where the word occurs in line 5.

Add in line 6 of the first page, after the words "said river," the words "to be approved by the Secretary of War."

After the end of section 1 add the following:

"*Provided further,* That such suitable fishways as may be prescribed by the United States Commission of Fish and Fisheries shall be provided in the said dam by the said association."

Add as section 2 the following:

"Sec. 2. That this act shall be null and void unless the privilege hereby granted shall be availed of within two years from the date hereof."

Add as section 3 the following:

"Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed. The amendment to the title was agreed to.

On motion of Mr. DAVEY of Louisiana, a motion to reconsider the last vote was laid on the table.

#### LIGHT-HOUSE AND FOG-SIGNAL STATION, MUKILTEO POINT, WASHINGTON.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 257) to establish a light-house and fog-signal station at Mukilteo Point, near the city of Everett, State of Washington.

The bill was read, as follows:

*Be it enacted, etc.,* That a light-house and fog-signal station, together with suitable buildings, be established at Mukilteo Point, near the city of Everett, State of Washington, under direction of the Light-House Board; and that the sum of \$22,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated therefor, out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, I should like to ask the gentleman if this is the usual form for a bill of this kind?

Mr. JONES of Washington. This is a Senate bill, and it is the usual form in which the Senate passes these bills.

Mr. PAYNE. The Committee on Appropriations generally object to these appropriations.

Mr. JONES of Washington. When these bills pass the Senate they usually pass in this form.

Mr. PAYNE. I am not a member of that committee, and therefore I shall not object.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

By unanimous consent, on motion of Mr. JONES of Washington, the corresponding House bill (H. R. 12000) was ordered to lie on the table.

#### DECEMBER SALARIES OF CONGRESSIONAL EMPLOYEES.

Mr. BULL. Mr. Speaker, I present a privileged report from the Committee on Accounts and ask that it be considered.

The joint resolution (H. J. Res. 227) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1902, on the 18th day of said month was read, as follows:

*Resolved, etc.,* That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1902, on the 18th day of said month.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BULL. I move the passage of the resolution.

The SPEAKER. The Chair thinks that this resolution will require unanimous consent of the House for its consideration. It is not for a payment out of the contingent fund of the House, which is the crucial point.

Mr. BULL. Then I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Rhode Island asks unanimous consent for the present consideration of the joint resolution just read. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. BULL, a motion to reconsider the last vote was laid on the table.

#### ADDITIONAL EMPLOYEE, HOUSE BATHROOMS.

Mr. BULL, from the Committee on Accounts, also submitted the following adverse report, which was read by the Clerk:

The Committee on Accounts, to whom was referred House resolution No. 185, authorizing the Speaker to appoint some person especially qualified, who shall have the care and charge of the House bathing rooms, have had the same under consideration and recommend that it lie on the table, for the reason that the additional employee provided for in the resolution is not necessary or essential to the proper conduct of the bathing rooms of the House.

The SPEAKER. The question is on concurring in the report. The report was concurred in.

#### LAUREAN ABBOTT, DECEASED.

Mr. BULL, from the Committee on Accounts, also submitted the following resolution, which was read by the Clerk:

*Resolved,* That the Clerk of the House is hereby authorized and directed to pay out of the contingent fund of the House to James A. Abbott, father of J. Laurean Abbott, deceased, lately employed as a telephone operator in the House of Representatives, a sum equal to six months' pay at the rate of compensation (\$75 per month) received by her at the time of her death, and a further sum, not exceeding \$250, on account of expenses of her last illness and burial.

The following amendment was read:

In line 3, after the word "of," strike out the initial "J."

The amendment was agreed to.

The resolution as amended was agreed to.

#### CONTAGIOUS AND INFECTIOUS DISEASES OF LIVE STOCK.

Mr. WADSWORTH. Mr. Speaker, I call for the regular order. The SPEAKER. The gentleman from New York calls up the regular order, which is the bill (H. R. 15992) making an appropriation for the suppression and to prevent the spread of contagious and infectious diseases of live stock, and for other purposes. The Chair will ask the gentleman if the bill has been read in the House? The Chair thinks it has been.

Mr. WADSWORTH. It was read in the House.

The SPEAKER. The Clerk will read the bill by its title for the information of the House.

The Clerk read the title of the bill.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Speaker, if the House will give me its attention for a moment, I think I will be able to explain to it the needs of this bill. Members will notice that the power that



was conferred upon the Secretary of the Treasury under sections 4 and 5 of an act entitled "An act for the establishment of a Bureau of Animal Industry" are hereby conferred upon the Secretary of Agriculture, to be exercised exclusively by him. Now, that refers to the law establishing the Bureau of Animal Industry, which is chapter 60 of the laws of 1884, and the section reads in this way:

SEC. 4. That in order to promote the exportation of live stock from the United States the Commissioner of Agriculture shall make special investigation as to the existence of pleuro-pneumonia, or any contagious, infectious, or communicable disease, along the dividing lines between the United States and foreign countries, and along the lines of transportation from all parts of the United States to ports from which live stock are exported, and make report of the results of such investigation to the Secretary of the Treasury, who shall, from time to time, establish such regulations concerning the exportation and transportation of live stock as the results of said investigations may require.

Now, as I said, the bill simply proposes to transfer to the Secretary of Agriculture a power which seems to lie in the Secretary of the Treasury—that power that was intended to be transferred to the Secretary of Agriculture when the Department of Agriculture was made an Executive Department. For some reason or other it was omitted or lost sight of entirely, and for the last ten or twelve years the Secretary of Agriculture has been exercising precisely that right, which has never been questioned until last fall, when a drove of cattle was brought up from Texas, and, getting to the Colorado line, they were met by a law of the State of Colorado which subjected them to an inspection by the local authorities, and the cost and all that sort of thing was charged against the cattle. Now, under section 5—

That to prevent the exportation from any port of the United States to any port in a foreign country of live stock affected with any contagious, infectious, or communicable disease, and especially pleuro-pneumonia, the Secretary of the Treasury be, and he is hereby, authorized to take such steps and adopt such measures, not inconsistent with the provisions of this act, as he may deem necessary.

That power also has been absolutely exercised by the Secretary of Agriculture, and by him alone. Now, the first section of this bill is simply to rectify what was supposed to have been rectified ten or twelve years ago. The Secretary of the Treasury has no veterinarians or inspectors, and he can not do the work that is required without further legislation authorizing him to employ inspectors, veterinarians, etc. These people are now employed by the Secretary of Agriculture.

The second section of the bill is made necessary by the suspicion that this disease was introduced into New England through baled hay brought over with horses imported from the European Continent. At least, so far they have not been able to trace it to cattle or animals brought in from Europe. In a letter that I have from Dr. Salmon he tells me he thinks it was introduced through the medium of baled hay brought in with horses. There was probably an amount left over, which was sold to the stock yards at Brighton; that it found its way into the regular supply of the stock yards; that it was fed to the stock in the yards, and so the disease was started there. To cover this dangerous possibility the second section is made necessary.

SEC. 2. That the Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one part of the United States to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia, whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion.

I think that explanation will show to you the need of that section of the bill.

Now, at the proper time I shall ask for an amendment to the title, as it no longer makes an appropriation; and I shall ask unanimous consent to strike from the bill sections 3 and 4, which are the sections making appropriation.

The SPEAKER. The Chair calls the attention of the gentleman to the fact that that was done at the time of making this special order. It is no longer a part of the bill.

Mr. WADSWORTH. I am glad of the parliamentary information. I did not know whether it required a motion to strike it out or not.

There is another amendment I will propose at the proper time. On line 24 on page 2 I shall ask to strike out the words "or may remain therein."

The SPEAKER. Does the gentleman desire action on this now? Mr. WADSWORTH. I will make the parliamentary inquiry if this is the proper time?

The SPEAKER. This can be done at any time.

Mr. WADSWORTH. Then I will offer the amendment now. The Clerk read as follows:

On page 2, lines 24 and 25, strike out the words "or may remain therein."

The question was taken; and the amendment was agreed to.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. WADSWORTH. I will yield to the gentleman from Georgia.

Mr. MADDOX. Mr. Speaker, I want to offer an amendment to the bill.

Mr. WADSWORTH. How much time does the gentleman want?

Mr. MADDOX. Ten minutes will do me and probably less.

The SPEAKER. How much time does the gentleman from New York yield?

Mr. WADSWORTH. I yield ten minutes.

Mr. MADDOX. Mr. Speaker, I want to call the attention of the gentleman from New York to line 12, page 3. This section reads:

That the Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals from a foreign country into the United States or from one part of the United States to another.

I offer an amendment to strike out the words "part of the United States" and insert the words "State or Territory;" so it will read: "From one State or Territory to another."

Mr. WADSWORTH. I really, Mr. Speaker, have no objection to that except the language used in that section is the language used in the original law of the Bureau of Animal Industry. It there says, "all parts of the United States." I think the language offered by the gentleman from Georgia covers the ground completely. I have no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 2, in line 12, after the word "one," by striking out the words "part of the United States," and insert in lieu thereof the words "State or Territory or District of Columbia."

The SPEAKER. Does the gentleman from Georgia require a vote upon the amendment now?

Mr. MADDOX. Just a few words, Mr. Speaker, and then I am through. When this matter was called up the other day it seemed to me that we had gone into hysterics over it, and after investigation I am satisfied that that is true. The Secretary of Agriculture has now a large sum of money on hand which he may use for this purpose. But after reading the examination that we had before the Appropriations Committee on this matter, I doubt whether there is any deficit or will be any, and the probability is there may not be any. There may be money enough on hand to do all that is required in this matter.

I stated frankly to the House then that I did not understand all these laws in regard to these matters, but it occurred to me at the time that this was simply an act for the purpose of appropriating money to go to one part of the United States to stamp out one particular disease, when there is disease all over the country in other directions which will kill a horse or cow just as dead as the foot-and-mouth disease. But after investigating the matter I find that that is under the general law that this appropriation is made and that it can be used for any purpose if our governors see fit to call on the officials to aid and abet. Therefore, with the amendment I have to offer, so far as the legislative part of it is concerned, the appropriation having already been made, I am in favor of the bill if the amendment is adopted.

Mr. WADSWORTH. Mr. Speaker, I desire to have the amendment again reported.

The SPEAKER. The Clerk will again report the amendment. The Clerk again read the amendment.

Mr. WADSWORTH. Mr. Speaker, I think in line 12 the words "United States" should be preserved a second time, so that it will read "one State or Territory of the United States, or the District of Columbia."

Mr. MADDOX. Very well; I see no objection to that.

The SPEAKER. The gentleman from Georgia modifies his amendment accordingly.

The question was taken, and the amendment was agreed to.

Mr. HENRY of Texas. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend by adding to section 2 the following:

"That in order to enable the Secretary of Agriculture to investigate the spread and ravages of the Mexican cotton-boll weevil and to devise methods, if possible, for the destruction and extirpation of the same, and prevent the spread thereof, the sum of \$1,000,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. And such appropriation shall be available at once and until expended for the purposes herein provided. And the Secretary of Agriculture is hereby instructed to immediately carry out the provisions of this section."

Mr. WADSWORTH. Mr. Speaker, against that I raise a point of order.

The SPEAKER. The Chair sustains the point of order.

Mr. HENRY of Texas. I would like to ask if any provision is being made in the general Agricultural appropriation bill?



Mr. WADSWORTH. There is. In the last bill there was carried an appropriation of \$20,000, and this year there will be a sufficient amount carried by the general appropriation bill.

Mr. HENRY of Texas. To what amount?

Mr. WADSWORTH. The amount has not been settled upon, but probably as much as last year.

Mr. GAINES of Tennessee. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert at the end of section 1:

"Provided, That nothing herein shall be held to exempt such stock from the requirements of the laws and regulations of any State entered or through which it proceeds, or in any manner amend or abridge such State laws or regulations unless the shipment is continuous through such State and without unloading, except for rest or food: *Provided further*, That when such stock is being moved on foot or otherwise than on carriers it shall, before it enters any State, be subject to inspection and amenable to the laws of such State or States."

Mr. GAINES of Tennessee rose.

Mr. WADSWORTH. I do not think that amendment is necessary at all. Still I am willing, of course, to hear what the gentleman from Tennessee has to say in favor of it.

Mr. GAINES of Tennessee. Mr. Speaker, this bill is based in part upon a condition produced by an adjudication of the Supreme Court of the United States, in the recent case of *Reed v. The State of Colorado*, in which Reed was convicted for refusing to get a health certificate from the Colorado officials permitting him to ship his stock across Colorado to Wyoming. Reed claimed that the State had no power to act, as the Federal authorities had already given him a health certificate. He knowingly and willfully disobeyed the Colorado law.

This bill now is to give the Secretary of Agriculture complete power, regardless of State laws, to authorize the shipment of stock into and through any State or Territory regardless of the condition of the stock. The State and organized Territories are to be completely ignored. As the law is, they are not ignored. Congress up to this time has not assumed complete control of interstate commerce. This bill enacted into law will arm the Secretary of Agriculture with power to give a health certificate of stock, say in California, to be driven on foot overland or shipped in carriers from California to Maine, and regardless of whether the stock becomes diseased en route or not the States can not interfere to protect themselves. The States and Territories wherein they may become thus diseased are to be entirely ignored.

You can see, especially if the stock is being transported on foot and becomes diseased, that the States or organized Territories can not stop them. They are powerless to act, for Congress takes "entire" charge under this bill of the stock from start to finish, as shown by section 1 of this act, which provides as follows:

Whenever any inspector or assistant inspector of the Bureau of Animal Industry shall issue a certificate showing that such officer had inspected any cattle or other live stock which were about to be shipped, driven, or transported from such locality to another, as above stated, and had found them free from Texas or splenic fever infection, pleuro-pneumonia, foot-and-mouth disease, or any other infectious, contagious, or communicable disease, such animals, so inspected and certified, may be shipped, driven, or transported from such place into and through any State or Territory, including the Indian Territory, and into and through the District of Columbia, or they may be exported from the United States without further inspection or the exaction of fees of any kind, except such as may at any time be ordered or exacted by the Secretary of Agriculture; and all such animals shall at all times be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department for the purposes of such inspection.

Note the concluding language: "And all such animals" (not simply the healthy ones, but "all," the diseased and well animals) "shall be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department for the purposes of such inspection."

If he—the Federal officer—fails to act, the States and Territories are powerless to act, because the "entire subject" is by this bill given over to the Federal authorities.

Clearly Congress takes, under this section, complete charge of such interstate and foreign commerce, and thus nullifies all State laws on the subject, as shown by the opinion of the court in the *Reed* case, which reads as follows:

It is quite true, as urged on behalf of the defendant, that the transportation of live stock from State to State is a branch of the interstate commerce, and that any specified rule or regulation in respect of such transportation, which Congress may lawfully prescribe or authorize and which may properly be deemed a regulation of such commerce, is paramount throughout the Union. So that when the entire subject of the transportation of live stock from one State to another is taken under direct national supervision and a system devised by which diseased stock may be excluded from interstate commerce, all local or State regulations in respect of such matters and covering the same ground will cease to have any force, whether formally abrogated or not; and such rules and regulations as Congress may lawfully prescribe or authorize will alone control. (*Gibbons v. Ogden*, 9 Wheat. 1, 210; *Morgan v. Louisiana*, 118 U. S. 455, 464; *Hennington v. Georgia*, 163 U. S. 290, 317; *N. Y. N. H. and H. R. R. Co. v. New York*, 165 U. S. 623, 631; *Missouri, Kansas and Texas Railway Company v. Haber*, 169 U. S. 613, 626; *Rasmussen v. Idaho*, 181 U. S. 198, 200.) The power which the States might thus exercise may in this way be suspended until national control is abandoned and the subject be thereby left under the police power of the States.

Again the court said:

Now, it is said that the defendant has a right under the Constitution of the United States to ship live stock from one State to another State. This will be conceded on all hands. But the defendant is not given by that instrument the right to introduce into a State, against its will, live stock affected by a contagious, infectious, or communicable disease, and whose presence in the State will or may be injurious to its domestic animals. The State—Congress not having assumed charge of the matter as involved in interstate commerce—may protect its people and their property against such dangers, taking care always that the means employed to that end do not go beyond the necessities of the case or unreasonably burden the exercise of privileges secured by the Constitution of the United States.

The Constitution itself does not deprive the States of the right to inspect interstate commerce detrimental to the public health. It is only when Congress takes "entire" and direct control of "interstate commerce" that the State laws are suspended and become inoperative.

The vital and serious question I have in mind is, Shall we empower Congress to take "entire" charge of interstate trade in live stock?

If we do, the State laws are suspended without more. Is it good policy, regardless of whether we have a good or bad Secretary of Agriculture, to enforce the law? And I want to say I think Mr. Secretary Wilson is the best officer we have ever had in that Bureau.

As the law is, the States aid the Federal Government, but under this bill they are made inoperative—stand "suspended" as to interstate commerce, and the States must depend on the one Federal officer, the Secretary of Agriculture and his agents to protect their property and people as against an officer and his agents in each of the 45 States, and the Secretary of Agriculture.

I am fully advised of the power Congress has to "prohibit," as the court said in the *Addyston Pipe* case, objectionable interstate commerce. The trouble here is, when Congress takes "entire" charge of interstate commerce to control or exclude the objectionable part, the State laws stand suspended and inoperative. And I say in this class of trade, diseased stock and the like, we should not let Congress take "entire" charge; and if we do, we should distinctly say that the State laws shall remain auxiliary at least to the Federal law. But under this bill they stand "suspended" and inoperative.

Congress does not undertake to simply "prohibit" this objectionable commerce, leaving State laws intact, but goes further and assumes "entire" control over the whole subject, thereby suspending all conflicting State laws.

Now, Mr. Speaker, I want to ask my friend from New York whether it is the intention of his committee by this provision to arm the Secretary of Agriculture with authority to give a health permit which shall protect from State authority and State regulation diseased stock passing through any State, a permit that shall be good regardless of State authority until the cattle reach the export point at New York?

Mr. WADSWORTH. I answer the gentleman, yes—

Mr. GAINES of Tennessee. Exactly so.

Mr. WADSWORTH. But if the gentleman will read the provision contained in the last few lines of section 1 he will find that in no instance, practically, are those cattle freed from governmental inspection while in transit. They may be shipped from Texas to Denver, and thence to Kansas City, if you please; and though they may be unloaded at Denver or at any point between Denver and Kansas City, still they are under the inspection and care of the Government, and if any disease should break out among such cattle they are taken care of.

Mr. GAINES of Tennessee. Does the gentleman contend that we should empower any official to unload stock diseased upon the State of Colorado or any other State against the will of such State? But this bill suspending all State laws, Congress having taken "entire" charge of interstate stock trade, you can do as you please, it seems to me, and the States are helpless. I say that, whether my friend from New York or other friends of this measure so intend or not, this bill will absolutely paralyze every State law on this subject, and permit such stock to be carried into or through any city or county or State regardless of any attempted interference by the State authorities. Congress has never assumed to execute such a power before in such a business.

The State of Colorado said: "You shall not bring diseased or healthy cattle into this State until we examine them," and the court upheld the law; yet this bill, Mr. Speaker, whether intentionally or not, gives Congress the power to ignore the State, to ignore the health of the people in the State, to ignore and paralyze a power which the Supreme Court has said "the States never surrendered to Congress," but which becomes now inert and lifeless, it seems, simply because Congress has assumed "entire" control over the subject.

Mr. BURLESON. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. Certainly.

Mr. BURLESON. Is it not a fact that the entire contention of the gentleman is based upon the assumption that the Secretary



of Agriculture will not do his duty, that he will give a certificate of a clean bill of health for diseased cattle? If he does not do that, then the gentleman has no complaint?

Mr. GAINES of Tennessee. No; not all. It is the impolicy of the law, even if Congress has the power to act, that I oppose. The gentleman from New York said just now, in explanation of this bill, that the Secretary of Agriculture could give a permit for cattle in the State of Texas to be driven on foot, and we all know that when cattle are brought from one section of the country to another, inherently and inevitably very often disease breaks out among them, and no one knows anything about it. Yet these cattle may start in Texas or Colorado and be driven on foot, under the terms of this proposed law, and thus spread disease, whether it be this foot-and-mouth trouble or any other contagion that flesh is heir to, destroying the cows of the country, the hogs and horses of the country, the health of the country, and the States are absolutely paralyzed in their efforts to defend themselves.

Mr. Speaker, whether Congress can do that or not, the gentleman from New York [Mr. WADSWORTH] says that this bill undertakes to give him the power to do it. Surely, Mr. Speaker, if Congress has the power, it is not going to pass a law which will break down the power of the State to protect itself and thus put it into the hands of a man in Texas to get a permit and that permit continue to be the law of the country until the stock is shipped on board a boat for England from the city of New York.

Cattle may come from Arkansas and breed disease. They may go into Indiana and breed disease. Stock raised in Montana can not live South, and stock raised South can not live in Montana, and so in Texas and in New York; and yet the gentleman's bill will permit the Secretary of Agriculture to actually drive cattle from one end of this country to the other which may be reeking with disease. If hogs, they may have the cholera. If cows, they may not have feet or mouth because of disease. Yet to prevent this every State and Territorial law in the Republic, under this bill, is paralyzed.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. GAINES of Tennessee. Yes.

Mr. STEPHENS of Texas. I would ask the gentleman in what respect this bill changes existing law?

Mr. GAINES of Tennessee. If the gentleman will read the opinion he will see that it does change the law, and gives not only a power he did not have, nor any one in the Colorado case, but goes further and puts all interstate trade in stock in the hands of the Secretary of Agriculture.

Mr. LAMB. It does not.

Mr. GAINES of Tennessee. It does.

Mr. LAMB. I beg the gentleman's pardon.

Mr. GAINES of Tennessee. The law in Colorado was that before these particular cattle went through that State a permit must be granted by the authorities of the State. Under this bill, if made a law, the States will be legally ignored in the future.

Mr. WADSWORTH. That is a matter of interstate commerce.

Mr. GAINES of Tennessee. I have read the opinion in the Reed case and many others in point. Reed went across Colorado anyway. He refused to get or accept a State permit. He was indicted in Colorado and found guilty, and the supreme court of that State affirmed the decision about December 1—a few days ago. And this bill is to give the Secretary of Agriculture the power to legally ignore the State authorities in such cases in the future.

Mr. WADSWORTH. One minute—

Mr. GAINES of Tennessee. Just a minute.

The SPEAKER. The gentleman will suspend. The gentleman from New York is out of order.

Mr. GAINES of Tennessee. I will yield to the gentleman in a moment.

The SPEAKER. The gentleman from Tennessee will suspend. This debate must proceed in an orderly way. The gentleman from Texas [Mr. STEPHENS] addressed the Chair and asked permission to put a question to the gentleman from Tennessee.

Mr. GAINES of Tennessee. I yielded to the gentleman and was answering him.

The SPEAKER. No gentleman can take the time of the House in debate when another occupies the floor. The gentleman from Tennessee will proceed.

Mr. GAINES of Tennessee. If the gentleman will look at the hearings, which I have before me, he will see that Secretary Wilson and Judge Springer, a distinguished ex-member of this House, went before the gentleman's committee and asked that committee to broaden his powers in effect to overcome cases like Reed's, so that when a man gets a permit, as he did in that case, he can ignore the State—ignore the State of Tennessee, ignore

the State of Kentucky, or Indiana, any State—and regardless of whether the stock be or not diseased.

Thus armed with the authority of the Federal Government, here about to be given for the first time to the Secretary of Agriculture, the laws and the regulations of the State can be trampled under foot, and the Supreme Court holds that Congress can do so when it assumes "entire" control over such commerce.

I want to aid our distinguished and able Secretary of Agriculture in his laudable work, but we can do so without taking this dangerous step.

Mr. WILLIAMS of Mississippi rose.

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Mississippi?

Mr. GAINES of Tennessee. Yes.

Mr. WILLIAMS of Mississippi. I want to ask the gentleman if he has read the bill from line 13, on page 2, down through line 6, on page 3?

Mr. GAINES of Tennessee. Yes; I have read the whole bill through.

Mr. WILLIAMS of Mississippi. If the gentleman will read it again he will discover that this bill, so far from contemplating the transportation of diseased cattle, has for one of its purposes the preventing of just that.

Mr. GAINES of Tennessee. What are you going to do with the diseased cattle? Are you going to unload them on the State? Who is to say when they are diseased? The Secretary of Agriculture at "all times" and no State officer can intervene.

Mr. WILLIAMS of Mississippi. The diseased cattle can not be transported at all, because one of the objects of the bill is to have the Secretary of Agriculture, through his experts, examine the herd, and it is only allowed to be transported at all on condition that the herd is found absolutely free from all infectious, contagious, or communicable disease.

Mr. GAINES of Tennessee. Exactly. Now suppose some contagion breaks out amongst the herd on its way from Texas to Kentucky, then what?

Mr. WILLIAMS of Mississippi. If contagion breaks out—Mr. GAINES of Tennessee. It is still under the power of the Federal authority and all State laws "suspended."

The SPEAKER. The gentleman from Tennessee has asked the gentleman from Mississippi a question.

Mr. WILLIAMS of Mississippi. If the gentleman desires me to answer that question—

Mr. GAINES of Tennessee. Yes.

Mr. WILLIAMS of Mississippi. I will answer it by saying that the herd is still under the supervision and control of the experts of the Department of Agriculture; and if a herd clear of disease should stop and disease should break out in the herd in transit, then the Secretary of Agriculture, under this act, has the power necessary to quarantine, otherwise deal with, and, if necessary, destroy the herd.

Mr. GAINES of Tennessee. Exactly. Now, Mr. Speaker, that presumes that the Secretary of Agriculture is going to have an agent go right along after every herd of cattle that starts in Texas and walks to New York, which is ridiculous, and he will never have any such arrangement. On the contrary, the gentleman from New York [Mr. WADSWORTH] said a while ago that when he gave a health certificate in Texas it armed the owner of the herd to carry them to the State of New York, regardless of State lines and State laws and regulations, whether the stock was diseased or not.

Mr. WILLIAMS of Mississippi. If any complaint is made in transit of disease which has broken out, then the herd will be dealt with like other diseased animals.

Mr. GAINES of Tennessee. With all due respect, who is going to make the complaint? Will it be made by the owner of the cattle? No; because if he makes complaint himself, then he must submit to delays for an examination which he does not want, and have the diseased cattle killed.

I succeeded in getting the gentleman from New York to make one change; that is, by striking out the words "or may remain therein." Now, the point I make is that the stock may become infected in transit and particularly in transit on foot, and even if Congress has the power, which is denied, Congress ought not to arm the Secretary of Agriculture to permit the driving of diseased cattle, or, if you please, of healthy cattle—because no one knows that they are healthy—beyond the lines of the State of Colorado or Missouri or Indiana or Kentucky, or any State, without allowing each State to inspect them. Some of the decisions of the Supreme Court hold that the States never surrendered their right to exclude harmful commerce; that they retained this right of self-defense to protect their State as such, their property, their homes, and families.

Such "commerce" is classed as noncommercial, and can be and has been excluded by the States. An example is the cigarette case from Tennessee (Austin v. State, 179 U. S., p. 343). But



the supreme court of Tennessee and the Supreme Court of the United States held that the State could do this until Congress spoke out and recognized cigarettes as legitimate commerce—as “commerce”—as was the *Leisy v. Hardin* case, referred to in the Austin case.

But in this bill—enacted—Congress assumes entire control over the legitimate and illegitimate—the “commerce”—moral and immoral, and in doing so suspends all State laws in conflict with this act of Congress, which I say is bad policy and dangerous in the extreme.

My amendment does not destroy the purpose of this bill. It simply says when stock comes to the State line in a certain way, “you must stop and get a permit,” particularly when you come on foot, regardless of whether diseased or not. You can not walk along through this State and scatter disease and interfere with the peace and happiness of the community.

The question of fees is a small matter to be weighed by the side of the health of the people and their stock, and the preservation of the police powers of the States.

Mr. WILLIAMS of Mississippi and Mr. SLAYDEN rose.

The SPEAKER. The Chair recognizes the gentleman from Mississippi, a member of the committee.

Mr. WILLIAMS of Mississippi. Mr. Speaker, I hope that the gentleman's amendment will not be adopted. It will cripple, if not defeat, the operation of the bill.

Mr. Speaker, this bill does not in the slightest degree interfere with the reserved police powers of the State; and, moreover, if it attempted to do that, it would, in so far as that attempt went, be absolutely null and void. This bill merely attempts to give to the Secretary of Agriculture a power which he has been exercising under the impression that he had it and which was not questioned until lately, when it was questioned by the State of Colorado in the case called *The State of Colorado against Reed*, which went to the Supreme Court. The bill does not interfere with the police power or the quarantine power—the sanitary power—of the State as to anything within the State after it is landed there, nor could it do it if we desired it to do so. All it does is to attempt to keep interstate commerce in cattle and stock free from vexatious and exorbitant interference and fees upon the part of State authorities, or boards, acting frequently for the mere purpose of collecting fees. In the particular case referred to—

Mr. GAINES of Tennessee. Will the gentleman permit me to ask him a question?

Mr. WILLIAMS of Mississippi. In just a moment.

In the case referred to, *Reed against Colorado*, as it went up to the Supreme Court there was no pretense that the herd was diseased. It was simply to assert the right and authority of Colorado to examine the cattle and to seize them for the purpose of seeing if they were diseased.

Now, Mr. Speaker, the Constitution of the United States is, in my mind, the most sacred nonreligious instrument in the world; but it is just as sacred in the powers which it confers upon the Federal Government as in the powers reserved to the States. It is just as much our sacred duty to preserve them as to preserve the nondelegated rights of the States, which are not conferred upon the Federal Government. The power to regulate interstate commerce is one of the powers conferred upon the Federal Government.

Now, let me make an historical statement, so that the House may thoroughly understand the bill. When the Department of Agriculture was formed or inaugurated the law transferred to the Secretary of Agriculture all the powers which had been theretofore vested in the Commissioner of Agriculture, but there not having been any department, but only a bureau of agriculture, there were certain powers which were conferred upon the Secretary of the Treasury in aid of the operation of the bureau of agriculture, because it was thought that the powers were too extensive and too great to be conferred upon a mere commissioner. Now, when the Department of Agriculture was organized, Congress neglected to transfer to the Secretary of Agriculture the powers vested for the purpose of the operation of the bureau of agriculture in the Secretary of the Treasury. The consequence was that the Secretary of the Treasury was left with the purely legal power without any force to execute it, and the Secretary of Agriculture was left with the force, but without any law behind him.

This was not noticed, and the power herein sought has been exercised by the Secretary of Agriculture for twelve years. He has been examining and giving certificates or clean bills of health to herds of cattle which were to go into interstate commerce for twelve years, until the other day this law case arose out in Colorado, which went to the Supreme Court, and the Supreme Court decided virtually as follows, namely: That while Congress had the power to confer this power upon the Secretary of Agriculture, it had not done it; that it had conferred it upon the Secre-

tary of the Treasury, and never transferred it to the Secretary of Agriculture; that while the Secretary of the Treasury might have the lawful power he had not sought to exercise it; that the Agricultural Department could not exercise a power conferred if at all by Congress on the Secretary of the Treasury alone.

Now, Mr. Speaker, if every herd of cattle starting from the State of Texas to go into the Northern market is to be stopped at every State line and subjected to examination and fees and delay and everything else that is proposed, if this bill were not passed, you have left a tariff upon interstate-commerce cattle at every State line, which would probably destroy and certainly cripple the commerce of the shipper of cattle from out West.

Mr. GAINES of Tennessee. Will the gentleman permit me to ask him a question?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Tennessee for a question?

Mr. WILLIAMS of Mississippi. In one moment; I will not forget it. It would be very much better for the State of Texas than for the State of Colorado to leave the law as it is—to fail to pass this bill. I have merely incidentally used the State of Texas as an illustration. Texas can take her export cattle and export them from Galveston and keep them within the State of Texas until they reach a port of export; but take the State of Colorado, for an example, and the cattle from that State must go to the seaboard for export, and be subject to serious and vexatious charges in every State.

Now, the State board, of course, has three or four active interests. One is the public good and protection of health to cattle in the State. So far, so good. That is very plausible. Another one, unfortunately, is, however, the opportunity to collect fees, as in this particular case there was no reason to believe that the Texas herd was afflicted with any communicable disease at all. There was no assertion that they might be, but the mere power which the Supreme Court decided the State board had was put into operation, and there was no practical result except, of course, the collection of the fees.

Now, Mr. Speaker, if there is on the floor of this House any one man, as much as another, a stickler for keeping up sacredly the exact line of demarcation which the Federal Constitution has written down between the powers of the State and the powers of the Federal Government, I am that man.

If I thought there was a single thing in this bill which conflicted with the reserved rights of the State in the exercise of its police power for the protection of the people as to health or morals, I certainly would not advocate it. There is nothing of the sort in this bill, and the assertion that it enables the Secretary of Agriculture to carry diseased cattle through the State is mere brutum fulmen. The assertion proceeds on the idea or assumption that the Secretary of Agriculture would be either corrupt or inefficient, or that his agents would be corrupt or inefficient. The very starting point for the operation of the bill is the ascertainment of the fact that there is no disease in the herd proposed to be carried. And in order to provide for the contingency of disease breaking out in transit the balance of section 1 from line 13, on page 2, to the end of the section is put in and fully covers the matter, in my opinion. Now, I will yield to the gentleman from Tennessee. Now, I yield to the gentleman from Tennessee for a question.

Mr. GAINES of Tennessee. The gentleman says that this bill does not give the Secretary of Agriculture permit to take cattle from Texas to New York regardless of the State authorities.

Mr. WILLIAMS of Mississippi. I did not say that. I said it did not arm the Secretary of Agriculture with the power to introduce diseased cattle into a State.

Mr. GAINES of Tennessee. Has the State a reserved right to judge of that? Is the Government going to pay men to trot along behind the herd to see whether they are sick or not?

Mr. WILLIAMS of Mississippi. The Secretary of Agriculture will ascertain whether the cattle are sick with any communicable disease, as he does in all other cases. There will be plenty of people whose interest it is to give him information, and it is the duty of the Secretary of Agriculture to keep supervision and control of the matter. Now, then, let me put this to the gentleman from Tennessee. Suppose, for example, a herd of cattle were in transit from Texas to Tennessee and in some way or other came into the State of Tennessee and were there landed. After they landed they would cease to be articles of interstate commerce and would become immediately subject to the police and sanitary powers of the State of Tennessee, but as long as they were in transit they would be articles of interstate commerce and the jurisdiction of the question of dealing with them is by the Constitution itself and not by us vested in the Federal power.

Mr. GAINES of Tennessee. Suppose that the cattle are diseased, and you start them at Shelby County, near where you were born and reared, fortunately, and you drive them out to the other end of the State, and because they are in transit and subject to



Federal legislation under this bill, and you go on to Virginia and she says: "Mr. WILLIAMS, you will have to stop your cattle before they come into this State." Can she do it after this bill becomes law?

Mr. WILLIAMS of Mississippi. The moment the State authorities discovered that the cattle were diseased, with any communicable disease, or that any communicable disease had broken out among them, they could report that fact to the Secretary of Agriculture, and he would deal with the herd under the powers granted by this bill. The gentleman's question proceeds upon the assumption that the Secretary of Agriculture is either thoroughly ignorant of his business, not knowing a communicable disease when it breaks out, or thoroughly neglectful of his duty in not taking the means to prevent it.

Mr. GAINES of Tennessee. Not at all. I think he is one of the best officers that we have ever had. But I say when you start cattle from Texas to New York every State should be conceded the right to stop the stock at the State line and say, "Before you bring this stock in here it must be under our authority," and under this law you could not do it.

Mr. WILLIAMS of Mississippi. Mr. Speaker, if that power were conceded in connection with herds of cattle free of all disease, and if the cattle were stopped, as a matter of fact, as hereafter they will be, because all the State authorities will now learn of this decision of December 1—they have hitherto been allowing these certificates—nobody has ever questioned one until this matter came up in Colorado—now, if they begin to stop the cattle at every State line, and subject them to the necessary delay and to the imposition of charges and fees, which would follow from these examinations, then you virtually concede to the States a power to stop interstate commerce in cattle, and you have changed and outraged and violated the Constitution of the United States.

Mr. ROBINSON of Indiana rose.

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Indiana?

Mr. WILLIAMS of Mississippi. Yes, sir.

Mr. ROBINSON of Indiana. I regard this as a very radical departure from the present law. The gentleman from Mississippi seems to differ from me in that regard.

Mr. WILLIAMS of Mississippi. No; it is a departure from present law, but not from what they have thought to be the law, and what they have been working under upon the impression that it was the law.

Mr. ROBINSON of Indiana. But it is a most radical departure, I assume, from the present law. I understood the gentleman from Mississippi to say that under the previous law the Secretary of the Treasury had certain rights, and that on the transfer of the bureau to the Secretary of Agriculture the Secretary assumed to exercise rights that he did not possess—rights which had been, and were then, lodged in the Secretary of the Treasury. The decision of the Supreme Court in the Colorado case was then made, showing such to have been the fact. Now, does not the present bill, in addition to transferring to the Secretary of Agriculture, acting through the Bureau of Animal Industry, law which has heretofore been vested in the Secretary of the Treasury—does not this bill change the whole scope of the existing law to the extent of depriving every State of its police power, and its power to protect itself against diseased animals from other States?

Mr. WILLIAMS of Mississippi. No; if the gentleman will bear with me a moment, let me say that if the Secretary of Agriculture had had the power which he thought he had, but which had been conferred upon the Secretary of the Treasury, then he could, by a certificate of clean health, have passed the cattle on, regardless of the exaction of fees and other impositions or requirements at the State line by the State of Colorado. This is a radical departure from the existing law as the Supreme Court has construed it, but it is not a radical departure from the power which has hitherto been vested by Congress in a department; that is to say, not a radical departure from the power that was vested in the Secretary of the Treasury. If, in this particular case, for example, the Secretary of the Treasury had done just what the Secretary of Agriculture did, then the decision of the Supreme Court would have been different.

Mr. ROBINSON of Indiana. It will be conceded that the Federal authority under the Constitution may take jurisdiction of this matter. But this power has hitherto been in the hands, to some extent, of the various States. Now, you propose to give the Secretary of Agriculture a drastic and plenary power to destroy the State power in this respect. Do you not do that in this bill?

Mr. WILLIAMS of Mississippi. We give him no more power than was thought to be given him in the former bill.

Mr. ROBINSON of Indiana. With the gentleman's indulgence, I wish to propound to him a couple more questions before he sits down.

Mr. WILLIAMS of Mississippi. The power now proposed to

be conferred is no more plenary than that which was thought to have been given to the Secretary of Agriculture heretofore—so thought both by him and by the Secretary of the Treasury. It was thought that when the Department of Agriculture was organized the power theretofore conferred upon the Secretary of the Treasury had necessarily been transferred to the Secretary of Agriculture. It was not discovered until later that this had not been done; and the Secretary of Agriculture has been exercising this power for twelve years.

When the pleuro-pneumonia broke out, in 1886—I believe it was in Illinois—the then Commissioner of Agriculture, Mr. Rusk, proceeded to act under the authority which was in fact then vested in the Secretary of the Treasury; and there was then done, upon the initiative of the Commissioner of Agriculture, what this law now seeks to give the Secretary of Agriculture the power to do. Under the authority of that Bureau herds affected with pleuro-pneumonia were killed, as were a great many cattle that had only been exposed to infection; and the Federal Government at that time paid for those cattle.

Mr. ROBINSON of Indiana. Is the gentleman from Mississippi, with his well-known ideas of the protection of the States and State rights, willing to surrender absolutely, as this bill does, to the Federal authority the control of this branch of interstate commerce?

Mr. WILLIAMS of Mississippi. "The gentleman from Mississippi" does not make the surrender. The Constitution of the United States has made it. It is the Constitution of the United States, not "the gentleman from Mississippi," that confers upon the Federal Government the control and regulation of interstate commerce.

Now, this bill does not go a foot beyond the constitutional authority of Congress to control and regulate interstate commerce. It does not touch the question of intra-State commerce at all.

Mr. ROBINSON of Indiana. I should like to read a few pages from the decision of Justice Harlan, and I want to ask the gentleman whether the operation of this bill is in consonance with this decision?

Mr. WILLIAMS of Mississippi. It is not in consonance with that decision, because the very object of this bill is to avoid the decision.

Mr. ROBINSON of Indiana. My purpose in reading this decision will be evident when I get through the reading. Mr. Justice Harlan said:

So that when the entire subject of the transportation of live stock from one State to another is taken under direct national supervision and a system devised by which diseased stock may be excluded from interstate commerce, all local or State regulations in respect of such matters and covering the same ground will cease to have any force, whether formally abrogated or not; and such rules and regulations as Congress may lawfully prescribe or formulate will alone control.

Therefore, by the passage of this bill, the States are cut out from their regulation of these matters.

Mr. WILLIAMS of Mississippi. Whenever the cattle are articles of interstate commerce.

Mr. ROBINSON of Indiana. Heretofore the States have had that power.

Mr. WILLIAMS of Mississippi. Yes; hitherto they have had that power, but they did not know they had it, and we did not know it, and the Secretary of Agriculture has been exercising the power for twelve years, supposing that it had been vested in him, and no State ever questioned his exercise of it until the case of *Colorado v. Reed* arose.

Mr. ROBINSON of Indiana. This power has been exercised in Colorado and other States.

Mr. WILLIAMS of Mississippi. I know that it has been.

Mr. ROBINSON of Indiana. And it is now proposed to confer upon the Secretary of Agriculture a power that he thought had already been conferred upon him?

Mr. WILLIAMS of Mississippi. He thought the power had been conferred upon him and has been exercising it.

Mr. ROBINSON of Indiana. Have not the States heretofore had the power to regulate the introduction or exclusion of diseased cattle?

Mr. WILLIAMS of Mississippi. Of course. With the law as it now is, after this construction of it by the Supreme Court of the United States, if a man starts his herd of cattle from Colorado, let us say, to go to the port of New York that herd can be stopped at every State line, can be examined and delayed at every State line for three or four hours.

Mr. ROBINSON of Indiana. By whom?

Mr. WILLIAMS of Mississippi. And a tax of 25 cents per head may be imposed upon those cattle; and thus you virtually cripple, if you do not put an end to, interstate commerce in cattle.

Not only would that naturally take place, because the nature and tendency of everybody is to extend its jurisdiction and exercise all the power which it thinks it has, whether it is necessary to do so or not; but you would find little matters of State jealousy.



For example, there is a matter of State jealousy between the States of Texas and Colorado about their cattle, we will say, and you would find this being used as a means of punishment toward the dealers in certain articles from one State who had to pass those articles into or through another State. The very object of this bill, and the only object of it, is to follow up the line of demarcation that the Constitution has blazed between the rights of the Federal Government in matters of interstate commerce and the rights of the State government in matters of intra-State commerce, which not only is not touched by this bill, but which could not be touched by the bill, even if we attempted to do so in so many express words, because it would be beyond the power of Congress to change that constitutional relationship.

Mr. ROBINSON of Indiana. Then, under this bill the Federal authority has control of the subject which the gentleman has mentioned, instead of the State authority.

Mr. WILLIAMS of Mississippi. Certainly; as long as it is regulating interstate commerce. The moment it ceases to be regulating interstate commerce the State becomes the controlling power.

Mr. GAINES of Tennessee. The gentleman states now that this does not change existing law.

Mr. WILLIAMS of Mississippi. The gentleman did not state that. The gentleman stated that while it changed existing law, it did not change what we thought was existing law, and did not change the powers that we thought to have conferred upon the Secretary of Agriculture, and which he had been exercising without question, but which had never been transferred from the Secretary of the Treasury.

Mr. GAINES of Tennessee. The gentleman will admit that, as the law now is, there are four or five States between Texas and New York which can stop the cattle and examine them.

Mr. WILLIAMS of Mississippi. Yes.

Mr. GAINES of Tennessee. But with this bill passed they can not stop them.

Mr. WILLIAMS of Mississippi. Not without the permission of the Department of Agriculture.

Mr. GAINES of Tennessee. So that they may go through, well or diseased.

Mr. WILLIAMS of Mississippi. No, they can not go through diseased.

Mr. GAINES of Tennessee. And no State or Territory can stop them.

Mr. WILLIAMS of Mississippi. They can not go through diseased except upon the assumption that the Department of Agriculture is either totally and absolutely inefficient, totally and absolutely corrupt, or totally and absolutely neglectful of its duty.

Mr. GAINES of Tennessee. May not the agent of the Secretary of Agriculture be neglectful? These accidents may happen, with due respect to Mr. Wilson, Secretary of Agriculture—one of the best, if not the best, Secretary of Agriculture we ever had.

Mr. WILLIAMS of Mississippi. It is not supposed that he will be.

Mr. GAINES of Tennessee. My amendment preserves the State's right of self-defense and to avoid giving Congress exclusive control of interstate commerce. It is bad policy to do this, I fear.

Mr. MONDELL. I would ask the gentleman a question. Should this bill become a law, in the opinion of the gentleman, on the State authorities discovering a herd of cattle or a band of sheep entering the State for the purpose of being driven across it, to be infected with contagious diseases, would it be possible for the State authorities to stop the herd or flock?

Mr. WILLIAMS of Mississippi. I think so. Stop them at once and report the condition of things to the Secretary of Agriculture. He would then examine the herd and declare whether they were or were not infected. If infected, they would be quarantined and dealt with; and if not, they would go on, in spite of the State authorities.

Mr. MONDELL. If the officer acting under the Secretary of Agriculture then delivered the report that the herd was not afflicted with a contagious disease and not dangerous, the stock would go through in spite of the State laws.

Mr. WILLIAMS of Mississippi. Undoubtedly; and the gentleman must see that somebody must sit in judgment upon that question. As this is a matter of interstate commerce, the somebody who should sit in judgment upon it is a Federal authority. Now, you might state it the other way. What the gentleman has stated is possible, but not probable. Suppose, upon the contrary, that the State authorities might say that it was clear that the herd was free of infectious disease and the man in charge and representing the Agricultural Department might state that it was not. That is also possible, but not probable. Somebody must determine the question. Now, what we want to do is this: To give the power to quarantine, stamp out, and, if necessary for the purpose of stamping out, destroy diseased cattle; and we want

at the same time to give the power to leave untrammelled and unobstructed the progress of undiseased cattle through the States while they are articles of interstate commerce.

Mr. MONDELL. I wish to ask the gentleman another question relative to the bill. In lines 21 and 22 it is provided that after animals have been inspected and certified they—

may be shipped, driven, or transported from such place into and through any State or Territory.

I wish to call the gentleman's attention particularly to the word "into," and to ask him whether it would not be possible under that provision for a shipper of live stock intending to keep the stock within a State to drive or ship into the State diseased animals—that is, provided the certificate did not give the true condition of the animals?

Mr. WILLIAMS of Mississippi. My opinion on that subject is backed up by the decision of the Supreme Court of the United States in the Kansas liquor-law cases and in other cases. If a man ships goods from one State into another, while they are in transitu they are articles of interstate commerce and are subject to the authority of the Federal Government. After they are once landed and the consignee comes into possession of them, their connection with interstate commerce is severed. They become the property of the consignee, and if exposed for sale by him or kept in ownership within the State after the delivery by the company or after the termination of the voyage which they have made, they become then subject to the regulations of the State. In other words, if a herd of cattle were shipped from Texas to Kansas City as their destination, when they arrived at Kansas City and were delivered to the consignee there, their connection with interstate commerce would be severed by their delivery and they would become subject to the police and other regulations dealing with matters of that sort on the statute books of the State of Kansas.

Mr. MONDELL. As I understand it, the intent of the bill is to provide for the shipment or driving of stock through a State.

Mr. WILLIAMS of Mississippi. Yes, or into a State until landed at the point of destination, when they cease to be a subject of interstate commerce.

Mr. MONDELL. My fear is that by reason of the word "into," in line 22, page 2, of the bill, stock may be shipped or driven into the center of my State, for instance, several hundred miles from the outer border, and there be found to be infected. Now, the harm would have been done. It is true that the State law would then apply, but the stock would have been driven or shipped into the State and brought into contact with healthy animals, and the disease with which the stock was afflicted would have been communicated to the healthy animals in the State. Now, I want to ask the gentleman's opinion on this suggestion: If it is the intent of the framers of the bill that this shall provide only for cattle or for animals that are to be shipped through a State, whether an amendment striking out the word "into" and substituting the word "over" would not be proper?

Mr. WILLIAMS of Mississippi. I think that would not do, if the gentleman will excuse me, for this reason: If you use merely the word "through," cattle might be shipped, let us say, from the State of Texas into the Indian Territory, which is the very next autonomous concern, or might be shipped into some other adjoining State. Now, these cattle would not have been shipped "through" any State nor "over" any State, and yet they would have been shipped from one State to another and would have been for that length of time articles of interstate commerce.

Now, let me follow that up and answer the question further. As the gentleman says, the harm would have been done; but if the gentleman will think a moment, even if this bill were not passed, that exact harm would have been done, even if the State authorities had control of the matter, because all they could do when they found these cattle being driven across your State or mine and infected with a communicable disease would be to stop the cattle, quarantine them, and treat them there; so that the cattle would be stopped in your State or mine, at any rate, because the State could not deal with the cattle anywhere except within State lines, and as long as they were within the State lines exactly the same danger would be apparent as would be apparent under this bill.

There are always some dangers in every matter that can not be obviated, and this danger of a disease breaking out in transitu and the cattle landing at their destination with the disease, or breaking out after they land, would exist in either case and could not be helped, either under State or Federal authority, and all that could be done would be to take them and deal with them either under one authority or the other.

One step further and I am through. If these cattle were shipped into your State and delivered to you, as consignee, the moment you had received them they would cease to be matters of interstate commerce, the power of the Federal Government to deal



with them would cease, and the power of your State to deal with them would be full, plenary, and complete.

Mr. MONDELL. If the gentleman will permit me to refer to the present method of shipping from the South into the Northern States, it is the practice now to inspect every herd that comes into my State and adjoining States from the South; and on every shipment, after this bill becomes law, if it becomes a law, the certificate of the Secretary would carry this stock into the State and over the State, as the case might be, regardless of local inspection. Under these circumstances we would scarcely have a local inspection, because it would be useless, inoperative, and expensive.

Mr. WILLIAMS of Mississippi. Oh, no; if the gentleman will permit me.

Mr. MONDELL. Therefore, the shipper not intending to ship through, but taking advantage of the law for shipping into the State, for the purpose of feeding and scattering on the range under the provisions of the law as it now stands, shipping into the State, it would be impossible for the State authorities to stop the stock at the State line, even though they might be known to have an infectious disease.

Mr. WILLIAMS of Mississippi. It is not on the statement of the Committee on Agriculture, but on the statement of the Secretary of Agriculture, himself, who states that the certificate of the Department had always been respected, and that no examination by the State authorities had been made in that respect until this question arose in Colorado. So that the gentleman will, I think, find that in his State, as in others, they have been giving heed to these certificates, and have been allowing them to be proof of the fact that the herds were not diseased, unless a special information of subsequent disease had arisen. That is the way the Secretary of Agriculture has been dealing with the matter. But the gentleman will find that practically his State has been doing with regard to the examination just what they will do under this bill, namely, inspecting and examining herds without the certificate from the Department of Agriculture and giving credence to the certificate of the Department of Agriculture in the cases of those herds that had that certificate.

Mr. MONDELL. I would not want to contradict that statement, because the gentleman should be better informed on the subject than I am.

Mr. WILLIAMS of Mississippi. It is the Secretary who made the statement to the committee.

Mr. MONDELL. I think we have an inspection of all herds coming into the State.

Mr. WILLIAMS of Mississippi. Three-fourths of the cattle going in have no certificates from the Department of Agriculture.

Mr. MONDELL. They have certificates of inspection of the State.

Mr. WILLIAMS of Mississippi. Three-fourths have none from the Department of Agriculture, and three-fourths of them will have none under this bill.

Mr. MONDELL. What objection would there be to substitute the word "over" instead of the word "into?"

Mr. WILLIAMS of Mississippi. That is just what I have stated. This might force every herd to go through to the export market if the gentleman's contention were right.

Mr. MONDELL. I am speaking of stock that comes into the State for the purpose of feed and water.

Mr. WILLIAMS of Mississippi. They might ship cattle from Texas into and "over" several States and "into" the State of New York. You would absolutely devitalize the bill, because interstate commerce is not only from Texas to New York, but from Texas to adjoining States, when the cattle have not passed through and "over" another State, but only through a part of two States. In the case of a shipment from Texas to the port of New York the cattle would be carried "over" or "through" all the intervening States, but they would be carried "into" New York after all. They must stop somewhere, and hence go "into" some State or Territory.

Mr. WADSWORTH. Mr. Speaker, I hope the amendment of the gentleman from Tennessee will not prevail. As shown by the gentleman from Mississippi, it would entirely destroy the effect of this bill. The purpose of this bill is to deal with cattle engaged in interstate commerce, and, in order to make that more plain, I struck out, in lines 24 and 25, the words "or may remain therein," because that raised a doubt as to the question of cattle shipped from one State into another and remaining in that State.

If the cattle are shipped from Texas to Colorado and remain there, then they will become subject to the local laws, or if they are shipped to Wyoming and remain there, they become subject to the local laws. If members of the House will read the other provisions of the bill they would see that it provides that all such animals shall at all times be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department, for the purpose of such inspection, during the time of transit only.

Now, Mr. Speaker, I move the previous question on the bill and amendment.

The SPEAKER. The gentleman from New York demands the previous question on the bill and amendment.

Mr. FLEMING. Mr. Speaker, I would like to ask the gentleman from New York in charge of the bill to allow me to offer an amendment.

Mr. WADSWORTH. I think the bill has been thoroughly discussed, and I must insist upon my motion, Mr. Speaker.

The question was taken, and the previous question was ordered.

The question was taken on the amendment offered by Mr. GAINES of Tennessee; and the amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the amendment to the title will be agreed to.

There was no objection.

On motion of Mr. WADSWORTH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16021, the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MONDELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of House bill 16021, the legislative, executive, and judicial appropriation bill, and the Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain: Three clerks of class 1; and 3 clerks, at \$1,000 each; in all, \$3,000.

Mr. LACEY. Mr. Speaker, I wish to avail myself of the generous privileges accorded in general debate to discuss a subject that in 1903 will attract universal interest. We have been passing through a series of centennial years, beginning with that of 1876, when we celebrated the nation's independence.

The most important event in its consequences after independence year was that which occurred in 1803, when the territory of Louisiana was ceded to our Republic. We are about to celebrate that great epoch in a most substantial way by an unrivaled exhibition upon the banks of the Father of Waters, at the city of St. Louis.

There is no part of our land so rich in its future possibilities as that region to which I invite your attention.

For many years I have carefully studied the resources of our public domain.

In a long journey through the mountains of Arizona and New Mexico, a few years ago, I had a college-graduate cowboy for a driver. He asked me if I had seen much of the West, and I told him I knew it from Alpha to Omega.

He quietly suggested that he knew it better still; that he "knew all about it from Alfalfa to Omaha."

The subject of the purchase of 1803 covers a wide range of time, latitude, and longitude. We are interested in the Louisiana purchase because of its influences upon our history and its great possibilities in the future.

Let us go back a few cycles, and we will, in our mind's eye, see the land piled mountain high with the earth's great glacial cap and behold the dynamic forces grinding up the drift and preparing it for the soil that was yet to come.

Later on—

We hear the tread of pioneers  
Of nations yet to be,  
The first low wash of waves where soon  
Will roll a human sea.

#### THE FLIGHT OF BIRDS.

God has guided the settlement of this country. When Columbus started on his venturesome voyage he firmly resolved to sail due west and under no circumstances to change his direction, but the flight of flocks of parrots to the southwest led his seamen to appeal to the admiral to follow the birds. He finally yielded, and landed in the West Indies instead of upon the coast of Georgia or North Carolina, thus reserving the United States for English occupation. In ancient times many a battle was fought upon the favorable omens of the flight of birds.

The Roman consuls carried their chicken coops with their troops, and before fighting a battle fed the birds and consulted the soothsayers as to the omens.

The Aztecs founded the City of Mexico where a vulture was seen standing on a cactus with a serpent in its talons.

But never were such great results dependent upon so slight a



cause as when Columbus by changing his course caused the settlement of the West Indies, Mexico, and South America by the Spanish people instead of the territory now occupied by the original thirteen colonies of the United States. Had he not changed his course he would no doubt have landed upon the coast of Georgia instead of San Salvador.

#### RELIGIOUS FREEDOM.

The Spanish exploration turned aside, and a different people, with different language and aspirations, laid the foundation of our present great Republic. The first settlers came in search of religious freedom—the Puritans to New England, the Quakers to Pennsylvania, the Catholics to Maryland, the Huguenots to South Carolina. These settlements in different provinces seemed a simple thing at the time, but the colonists builded better than they knew, for they laid, broad and deep, the foundation of the sovereign States of this Union. The first settlers of every land have excited the interest and admiration of their descendants. The nations of the Old World have sought their ancestors among the gods. In our own brief history we are able to trace the origin and growth of our national life from its beginning.

#### FRENCH EXPLORATION AND SETTLEMENT.

The mighty Mississippi flows over the remains of De Soto, and serves at once as his grave and his monument. The French pioneers of Canada heard of the great stream near its source and believed that it flowed into the Gulf of California. La Salle, Marquette, Joliet, Hennepin, and De Tonty have written their names upon the map of the future center of the world's civilization. Following the river in its majestic course to the Gulf, there the French missionary voyagers raised the cross of Jesus and the flag of France, and took possession in the name of their King and called the land Louisiana.

#### THE TREATY OF PURCHASE—NAPOLEON, JEFFERSON, MONROE, LIVINGSTON.

In discussing this subject we can not be otherwise than forcibly impressed with the progress of the world. Only one hundred years ago on the 30th of next April the treaty ceding this great territory was signed, and President Jefferson was soon after assailed for having not only violated the Constitution by extending his country's boundaries, but he was especially criticised for throwing away the enormous sum of \$15,000,000 in the purchase of land lying so remote from civilization and of so little intrinsic value. But Providence raises statesmen from time to time who see beyond the narrow horizon of their own time, and in republics men are called to power who are willing to look further than the next election.

The most stupendous real estate transaction in the march of time was the action of Pope Alexander VI, when he took the map of the world and with a pen and ruler divided the new world between Portugal and Spain. This was a very simple and convenient adjustment of a great controversy, but it was not possible for it to remain so settled, and so in due time other nations took part in the colonization of our hemisphere. And so it happened that whilst our Atlantic coast was occupied by Great Britain, the most Christian King of France held dominion over the great prairies, forests, and mountains of the West.

In 1682 the flag of France was raised, but it was not until 1699 that the first settlement was made near the Gulf. The great possibilities of this country fascinated the French people, and John Law exploited its future with his Mississippi scheme, involving all France in bankruptcy and financial ruin, until they were very willing indeed to cede the land to Spain, in 1762. But in the treaty of San Ildefonso, October 1, 1800, Spain again transferred it back to France; but the terms of the treaty were kept so secret that it was commonly believed that Florida had been included in the transfer, though the flag of Spain still floated over the various posts.

When Bonaparte became the First Consul and dictator of France, war with Great Britain had become unavoidable. Our minister at Paris, Mr. R. R. Livingston, opened up negotiations to secure the navigation of the river and the title to the land near the mouth of the stream. He especially desired to purchase New Orleans. Mr. Jefferson, however, wanted Florida as well as the mouth of the river. Spain was still in possession and the time seemed ripe for a treaty. The phenomenal and prophetic mind of the young Napoleon alone seemed to comprehend the future possibilities of such a treaty. James Monroe was hurriedly called by Jefferson from his Virginia home and sent as a special envoy to act with Mr. Livingston, and they were authorized to buy New Orleans, the mouth of the river, and Florida for \$2,000,000.

But a new man had arisen in the affairs of Europe, a man of few words, but of prompt, vigorous, and decisive action. Napoleon promptly took the whole negotiation out of the hands of the wily and corrupt Talleyrand and placed it with Marbois, his minister of finance. Marbois had been in the United States and had acquired the most priceless of all treasures, an American

wife, and the affair was in friendly hands. The First Consul fairly staggered our commissioners when he proposed to sell the whole domain for \$15,000,000. Here was a region unpeopled by civilized men, extending from the Lake of the Woods to the Gulf, and of uncertain boundaries east and west, but unquestionably larger than Great Britain, Germany, France, Spain, Portugal, and Italy combined.

When the uncertainties of the boundaries were referred to, Napoleon said: "If there were no uncertainties in the limits it would be necessary to invent some." He realized the value of an elastic boundary. He could put his own construction upon that. Great Britain has found it convenient in Alaska. Napoleon knew how untenable this country was for him as against England, the mistress of the sea. He needed money. He was land poor; and so, with his laconic brevity, he fixed his terms and startled the American commissioners by the magnitude of the transaction. Fortunately, there was no Atlantic cable or steamship line, and the responsibility had to be assumed without further instructions, and the future author of the Monroe doctrine was there, ready, willing, and brave enough to take the responsibility.

Monroe landed April 1, and on the 30th the contract was signed. We usually look upon great battles alone as the turning points of history. Arbela, Zama, Actium, Waterloo, Sedan, and such bloody scenes are usually the pivotal points in the affairs of men. But the habeas corpus, the Bill of Rights, the Declaration of Independence stand out with as much importance in the progress of mankind as do any of the bloody contests which have so changed the affairs of the world.

Among the greatest of these peaceful landmarks in the world's history is the treaty that was finally consummated on the 30th of April, 1803. It has been said that "Diplomacy can trot all day in a bushel measure," but it was not so with the diplomacy of Napoleon. When the treaty was finally signed, Bonaparte said in substance: "This strengthens forever the power of the United States. I have given England a rival who will some day take dominion of the sea." When the Spanish flag came down at New Orleans, that of France was raised, and floated for the brief period of twenty days, and then the Stars and Stripes were thrown to the breeze, and the American governor said to the surrounding people: "This cession secures to you and your descendants the inheritance of liberty."

In 1904, at St. Louis, we will celebrate this great event. In its effect upon human happiness it is one of the greatest that has ever occurred in the history of the world. No salutes were fired; no great enthusiasm prevailed in the United States when this treaty was made known. The nation could afford to wait one hundred years for the celebration. But although no noise was made in America, the effects of the treaty soon made themselves felt on the other side of the Atlantic. Of the purchase money, \$3,750,000 was applied on claims of Americans against France and the other \$11,250,000 went into the great war chest of Napoleon, who expended it in the purchase of equipment for his great army.

#### LOUISIANA AND AUSTERLITZ.

Harness, horses, wagons, clothing, powder, shot, shell, muskets, and cannons were bought with this money, and when the French army started from Boulogne to the frontier to meet the Austrian and Russian armies and under the December sun to fight the battle of Austerlitz, every shot that was fired was a voice from the Louisiana purchase. When that battle ended, Napoleon was at the zenith of his martial glory, and Europe was at his feet. When William Pitt heard of the defeat he died of a broken heart. But now, after one hundred years, the results of that victory have passed away. Austerlitz has left but little impression upon the world of to-day. Napoleon's light went out like an untended watch fire on the rock of St. Helena, and France was humbled into her narrow limits once more, but the peaceful results of the Louisiana treaty still endure.

In 1803 France had 27,349,003 inhabitants and was the most powerful country in the world. To-day the Louisiana territory contains 15,000,000 inhabitants, among the most prosperous, progressive, and happy that have ever lived. In fertility it is equal or superior to France itself. Longfellow, in *Evangeline*, describes its soil—

Smoothly the plowshare runs through the soil as a keel through the water.

From Winnipeg to Biloxi the same plants and grasses may be found, and though the variation of climate is great in so wide a range of latitude, the most valuable of all our cereals will grow in the whole region.

#### THE POWER OF COAL.

The same native animals grazed from Hudsons Bay to the Mexican Gulf, but with all its wealth of soil, climate, forests, mountains, lakes, and rivers there is stored within its bosom the mineral power for ages yet to come. Not long ago a young Englishman, Mr. Coates, the superintendent of the Uruguay Railway in South America, asked me the question, "Do you realize what a tremendous handicap it would be upon your progress if every locomotive



that pulls a train out of New York, Baltimore, or Washington should be first coaled up from the mines of Wales or Australia? That is practically the situation in South America." In 1902, when for five months 150,000 miners laid down their tools and ceased to work, we had in a small way a sample of a coalless continent.

Imagine our country bereft of the great motive power which moves our trains, our steamers, and our factories, which makes life comfortable in the rigors of the Northern midwinter. Without the coal the days of steam would have come in vain, and the age of electricity would have sought other fields. But the great Louisiana purchase is filled with the most valuable deposits of coal, stored by the providence of God within its limits long before Adam found himself alone in Eden.

#### UNEXAMPLED GROWTH.

Since the annexation of Louisiana its growth has been so reasonable, so expected, and so natural as to recall the explanation of the Irishman at Niagara. "See how it rolls down. Is it not grand? Is it not wonderful?" inquired the hackman. "I don't see anything remarkable about it; it has to; there is nothing to hinder it," said Pat.

What a splendid galaxy of stars was added to our flag! Louisiana, Arkansas, Missouri, Iowa, Minnesota, Kansas, Nebraska, North Dakota, South Dakota, most of Colorado, Montana, and Wyoming, and all of Oklahoma and the Indian Territory have been carved out of the land ceded in the memorable treaty. The population in 1900 was nearly 15,000,000. Although the price was deemed something startling, for \$15,000,000 was a great sum in those days, to-day there are but few counties in Iowa whose assessment for taxation does not show a valuation of more than the whole cost of the Louisiana purchase, and yet possibly some of the estimates of value have been given to the assessors with becoming modesty by the owners.

St. Louis alone represents a valuation of \$376,907,595.

#### THE LIMESTONE SOIL AND ITS RENEWAL.

Much of the Louisiana purchase is underlaid with limestone, which is a most enduring foundation of fertility. The soil of the State of Iowa, for example, nearly all is underlaid by thousands of feet of solid limestone.

The great glacier cap which ages ago covered all the land from near the Missouri line to the Pole broke up the strata and produced the joint clay, thus opening up the passageway for the water from the surface to the solid rock. When the season is excessively wet, as in 1902, the water has free access and searches the crevices in the rocks in the depths below. When it is too dry capillary attraction draws the moisture from beneath, and so by this simple provision of nature the extremes of drought and flood are minimized in their effect, and so we thank the glaciers for benefits accruing so long after they have disappeared; but no doubt if man had then appeared on the planet the glacial growler of that day would have seen only the dark side of the picture.

But there is still another and perhaps more pleasing view of this subject. Limestone is not only a source of fertility, but it dissolves in water and thus renews the richness of the soil. In the floods of the last season the surface water reached and penetrated the limestone.

Though the rain fell pure and free from lime, it at once began to dissolve and take up all of that mineral that it could hold in solution, absorbing it from the rock itself. The water next to the stone having become charged with lime to the saturation point, the precious fertilizer slowly ascended until the water near the surface was nearly or perhaps as highly charged as that below.

Thus hundreds of thousands of tons of fresh lime, the richest of manures, is lifted to the soil near the surface, and when the water evaporates there the precious fertilizer remains to perpetually renew the fruitful soil. With thousands of feet in depth of this rich deposit as a base of supplies, we can face the future full of hope.

France has had 2,000 crops in two thousand years, because her fertile soil lies over a similar source of perpetual renewal.

I am not sure that this suggestion of the elevation by the action of water of fertilizing material from beneath the underlying strata has been adequately considered by men who have made a special study of the chemistry of the soil. In the plains of Lombardy the running water deposits in the bottoms of the irrigating ditches material dissolved from the Alps. The farmers there mix the sediment with stubble and spread it over their fields, thus keeping their lands as good as new.

With such resources the future fertility of that part of the Louisiana purchase is assured.

I like to take a cheerful view of our future. I am an optimist. The statement I have just made is a full answer to the pessimists who prophesy the early decay of our fruitfulness. With these prophets of evil I have never had any sympathy.

I approve of the opinion of the old German who defined a pessimist as "a man who in a choice of two evils takes both of them."

Iowa was carved out of that empire; she was part of Louisiana, then of the district of Louisiana, next placed by Congress in the Territory of Missouri. Had that law remained unchanged the people of Iowa would all have been Missourians. Then Iowa became a part of Michigan, next of Wisconsin, and finally she was molded into her present form by the legislative hand. The memory of the early days of the whole Louisiana domain will be now revived in all the States within its borders.

#### THE PIONEER DAYS.

The pioneer days of Iowa are ever a source of pleasure, either in memory or in history. "In all that is good, Iowa affords the best," is the terse way that her favorite son, Sid Foster, has of putting in a few words what everybody recognizes to be true. We all look back with pleasure upon those old days.

Dr. Robert Gray says that "the past is full of pleasing recollections, the future is full of hope; we only quarrel with the present."

As Henry W. Grady said, the "old house that whistled when the wind blew and wept when it rained" stands out in our memory with greater delight than the most sumptuous of our modern homes.

Every nation looks with reverence, if not with superstition, upon its ancestors. Usually their origin is traced to the supernatural. But in our own short career we are able to follow our ancestry into a plain, practical, and God-fearing origin. The best of the races of northern Europe, either directly or through their descendants in the older States, have settled in the Louisiana purchase, and from them have sprung the composite people who now inhabit that land. But as men grow older they look with increasing interest upon all the traditions of their forefathers.

Heredity and blood increase in importance as the years roll by, and it is a pleasure to know that the stock from which this population has been formed has such an honorable history.

#### IOWA—A-Y-A-U-W-A-Y.

Thomas Jefferson was an enterprising man; his restless mind was always boiling with plans. No sooner had the treaty been made than the Lewis and Clarke expedition was planned and started out from St. Louis, and the long journey was begun. We first find the word "Iowa" in the record of this exploring party, and it was spelled "A-y-a-u-w-a-y." The voyage up the river, the winter at Mandan, the journey across the mountains to the mouth of the Columbia, the second winter there, and the return to St. Louis read like the tale of another journey of Jason in search of the golden fleece. When these discoverers returned and told their story of adventure at Washington the Americans began indeed to dream dreams of the future, but those visions were only feeble suggestions of what the realities have become.

#### THE WORLD'S PROGRESS.

We can best note the progress of the world by comparison. When Augustus ruled the world the Mediterranean was a Roman lake. One hundred and twenty million people were under the dominion of the Cæsars. But Augustus, rich and great as he was, never read a newspaper, never traveled more than 12 miles an hour, never received a telegram, never had a pane of glass in his house, never saw an ear of corn or a potato. He had peacocks upon his table, but never tickled his palate with the flesh of a turkey, never knew the use of tobacco, and never had a shirt on his back.

If we were to go into the workhouse of to-day and remove from the daily supply of its occupants everything that has been invented since the Augustan age, the inmates of such an institution would regard themselves as being the most ill-treated of mankind.

In 1453, when the Turk captured Constantinople, the learning of the Greeks was dispersed all over Europe, and the world was all the better prepared to avail itself of the discoveries of 1493. The sea had for ages rolled around the known world as a complete bar to human progress; it has become a highway; now it unites, rather than divides, the continents. Natural gas was worshipped by the ancients as a manifestation of the gods; now it is harnessed for the use of man.

The priestess of Delphi intoxicated herself with its fumes and saw visions. At Kokomo man has made it an utility. At Guadeloupe, Mexico, a bubbling spring was looked upon and worshiped as a miraculous healer of the Aztecs; but in our day and generation mineral springs become practical and scientific cures. The scientist and geologist have supplanted the barbarian and sorcerer, and old-time soothsayers would have been struck dumb with the exploits of Edison. Ghosts hide themselves from the light of scientific day. McKinley held his ear to the telephone at Canton and listened to the shouting multitudes at the convention at St. Louis. The results of the Olympic



Games in Greece, a few years ago, were known at St. Louis five hours before the races started, if we make no allowance for the difference in time.

Seneca foretold that Ultima Thule would no longer mark the boundaries of the world. Now, the railway runs to Jerusalem; we have found the mouth of the Niger and the source of the Nile. Before many years a child may be put on the train at Chicago in charge of the conductor to be landed at Buenos Ayres. Khar-toum and Albert Nyanza will be dinner stations on the Cairo and Cape Town Railway; the world, after all, is growing smaller.

#### THE COST OF OUR TERRITORIAL ACQUISITIONS.

It is interesting at this day to note the cost of the various territorial purchases which up to the time of the Spanish war have been added to our national domain. Our last purchase I will not discuss at this time, for it is too early to count the cost and value of Porto Rico and the Philippines. We paid for Louisiana only 3 $\frac{1}{2}$  cents an acre, the best investment ever made by any nation since the dawn of history.

To Spain we gave for Florida 17.1 cents an acre; to Mexico, 4.5 for the first purchase, and then 34.3 for the Gadsden Purchase in southern Arizona, the highest priced of all our acquisitions. Georgia sold her territorial rights for 10.1 cents an acre. The most doubtful expansion of all was when William Henry Seward made the purchase of the icebergs of Alaska at 1.19 cents an acre.

Mr. Seward said that his reputation in history would mainly rest on this act of statesmanship, and for many years his expected honor remained in cold storage in that inhospitable land. But time has vindicated the wisdom of Mr. Seward, and Alaska is no longer the least prized of our possessions.

But of all additions to our Republic none have been freighted with such great possibilities for the good of the nation as the acquisition of the Territory of Louisiana.

The West is no longer there. There is the center of our land. There will soon be the center of population and power.

From the Euphrates, the Tigris, and the Nile to the Tiber, from the Tiber to the Seine and the Thames, from the Seine and the Thames to the Hudson, the Potomac and the Mississippi, the star of empire has taken its way, ever to the west; and now it is shining brightly upon the States which have been formed out of the Territory of Louisiana.

The Clerk, proceeding with the reading of the bill, read as follows:

Bureau of Statistics: For officer in charge of the Bureau of Statistics, \$3,500; chief clerk, \$2,250; statistical clerk, \$2,000; 4 clerks of class 4; 3 clerks of class 3; 1 clerk, expert in foreign statistics and languages, to compile Statistical Abstract of the World, \$1,000; stenographer and typewriter, \$1,500; 7 clerks of class 2; 10 clerks of class 1; translator, \$1,200; 10 clerks, at \$1,000 each; 2 copyists; 1 messenger; 1 assistant messenger; 1 laborer; and 1 female laborer, \$480; in all, \$80,350.

Mr. CLARK. Mr. Chairman, I move to strike out that entire paragraph, and I do it for this reason: This is simply a duplication of the work that ought to be done by the Census Department, that we have made perpetual at great expense. Every member in the House that has paid any attention to the business of the Government knows that one of the chief sources of unnecessary expense or waste in the Government is the duplication and triplication and quadruplication of various sorts of work that is done, and the excuse given for the establishment of the Census Bureau as a permanent institution, and the reason that induced me and scores of other members of the House to vote for it, was that it would take charge of this entire business of collecting statistics. Now, I undertake to say that if the Treasury Department is to go on and have its corps of workers collect these statistics, and if the State Department is to maintain a corps of the same kind, and if the other six Departments—and you will soon have another one—then there was no sense or reason or justice in making the Census Bureau permanent.

Mr. LIVINGSTON. May I suggest to the gentleman that the Committee on Commerce is now considering the propriety of transferring these various divisions to the Census division?

Mr. CLARK. Why not do it now?

Mr. LIVINGSTON. Because you might leave fragments hanging around that will have to be taken care of.

Mr. CLARK. Here we are appropriating \$83,350 in that one paragraph for work that ought to be done by the Census Bureau. I do not believe there is a man on the floor of the House, in that committee or out of it, that can justify it. That is all I have to say about it.

The question was taken; and on a division (demanded by Mr. CLARK) there were 25 ayes and 26 noes.

Mr. CLARK. Tellers, Mr. Chairman.

Tellers were ordered. The Chair appointed as tellers Mr. CLARK and Mr. BINGHAM.

The question was again taken; and the tellers reported 44 ayes and 65 noes.

So the amendment was rejected.

The Clerk read as follows:

For payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, \$4,000.

Mr. MADDUX. Mr. Chairman, I move to strike out the paragraph just read. I wish to say, in line with what the gentleman from Missouri [Mr. CLARK] has just said, that when we authorized this Bureau as a permanent bureau I then believed, as I believe now, that we had no use on the face of the earth for that Bureau, and I am more convinced of it now than ever. Here it is proposed to pay men to go right along doing the duty which has been imposed upon that Census Bureau, and which it ought to do if it is to do anything at all. The chairman of the Committee on Appropriations [Mr. CANNON] at that time opposed the bill for a permanent Census Bureau on the ground that it would simply duplicate what another department was doing at that time.

Mr. CANNON. The gentleman will allow me to remark that what he says about duplication is true. There are two Bureaus of Statistics, I am informed, in the Agricultural Department, one in the State Department, one in the Treasury Department (this is the largest of all of them), and others in other departments. But, as I understand, there is proposed legislation now before the Committee on Interstate and Foreign Commerce for the organization of a new department of commerce, and it seems to me that there ought to be intelligent legislation on this subject, and that until such legislation is enacted it may not be wise upon an appropriation bill, on which legislation is prohibited by our rules, to undertake to treat this matter. In other words, I should not like to see this appropriation withheld from the Bureau of Statistics in the Treasury Department, which, I think, is the best of all of these bureaus of statistics. Perhaps that is not high praise. But I should not like to see the appropriation for this purpose struck out until provision is made for the consolidation of these several bureaus, so as to bring order where there is now duplication and much of disorder.

Mr. MADDUX. Well, unless something of that kind is done, it seems to me it must be apparent to every man in the House that to establish that bureau down there was a mistake; that there is no use for it on the face of the earth, if this duplication of work is to be continued.

Now, I will ask my friend from Illinois what committee has this matter under consideration?

Mr. CANNON. I think the Committee on Interstate and Foreign Commerce has the bill, and I judge from what I see in the newspapers that they are considering it. I have no knowledge on that point, however.

Mr. MADDUX. It seems to me it would be entirely reasonable to get all these bureaus or divisions in the different departments that are now devoting themselves to these questions consolidated in one division, or else to abolish the Census Bureau.

Mr. LIVINGSTON. I will say to my colleague from Georgia that such a consolidation is just what is now being undertaken. The Committee on Interstate and Foreign Commerce now has this question and several others like it under consideration in connection with the question of the work to be imposed upon this new department, if one is created. We need to act upon this question intelligently, and we should simply be striking in the dark if we should now put a stop to this work done in the Treasury Department without providing that it shall go somewhere else. The gentleman is right in thinking that this work ought to be consolidated.

Mr. MADDUX. I agree with my colleague on that point. It would not be exactly right—in fact, I think it would not be for the best interests of the country at present—to strike out this appropriation. But unless we rise up now and then and oppose provisions of this kind we can not find out how things are going on. If this work is to be continued for all time in these various divisions of the different departments, I say that the establishment of that Census Bureau was an outrage upon the people of the United States. This is what I said when it was first proposed to establish that Bureau.

Mr. BINGHAM. I concede that the fact that this paragraph has been in these bills for many successive years is perhaps no justification for the continuance of this appropriation. A vast body of the business community has been educated to a consultation with this kind of work coming from the Bureau of Statistics; and had it been a large appropriation, I think there would have been considerable force in the gentleman's proposition. It carries, however, but \$4,000. It is valuable information to the public, and, as the gentleman from Illinois [Mr. CANNON] has stated to the House, it is the general belief that there will be added in this Congress a department of commerce; and of all the bureaus in the respective departments I believe there has never been a doubt but that this excellent Bureau will form a large part of that new department. As the legislation is imminent, it seems



to me that this paragraph should remain, because it carries but a limited appropriation, and through it information is given to a large number of our business interests, inasmuch as it is usual for them to consult this Bureau.

Mr. LIVINGSTON. Mr. Chairman, I would also suggest to the gentleman in charge of the bill that if the department he refers to is established under the law these appropriations will be accounted for when the transfer is made and will not be lost.

Mr. MADDOX. With these statements I withdraw the motion.

The CHAIRMAN. Without objection, the amendments will be withdrawn.

There was no objection.

The Clerk read as follows:

For continuing the additional clerks and other employees in the office of the Commissioner of Internal Revenue and for salaries and expenses of increased force of deputy collectors rendered necessary by the act of June 13, 1898, providing for war expenditures, and for other purposes, and for salaries and expenses of 20 additional internal-revenue agents to be appointed and employed by the Commissioner of Internal Revenue, and these 20 agents to be in lieu of the agents provided for and appointed under the provisions of sections 3 and 47 of the act of June 13, 1898, providing for war-revenue expenditures and other purposes, and these to be the only internal-revenue agents employed in addition to those provided for in section 3152 of the Revised Statutes. The existing provisions of law with regard to internal-revenue agents shall apply to the duties, compensation, and expenses of these 20 additional agents, \$250,000.

Mr. MADDOX. Mr. Chairman, I would like to inquire the necessity of these 20 additional employees.

Mr. HEMENWAY. They have been there all the time.

Mr. BINGHAM. I would state that it is current law.

Mr. MADDOX. But it says in the bill that they are additional employees.

Mr. BINGHAM. There are no additional appointments at all.

Mr. MADDOX. But the bill says 20 additional employees.

Mr. BINGHAM. The present number is continued for the next fiscal year.

Mr. HEMENWAY. It is simply repeating the language of the old bill.

The Clerk read as follows:

Mint at New Orleans, La.: For assayer in charge, \$3,000; assistant assayer, \$1,500; 1 clerk, \$1,000; in all, \$5,500.  
For wages of workmen and watchmen, \$15,500.  
For contingent expenses, \$2,500.

Mr. MEYER of Louisiana. Mr. Chairman, I offer the following amendment, which I will send to the desk and ask to have read.

The Clerk read as follows:

Substitute for all items under the head of "Mint at New Orleans, La." On page 71 strike out all of lines 10 to 17, inclusive, and insert in lieu thereof the following:

"Mint at New Orleans, La.: For superintendent, \$3,500; assayer, melter and refiner, and coiner, at \$2,500 each; cashier, and chief clerk, at \$2,000 each; assistant assayer, assistant melter and refiner, and assistant coiner, at \$1,900 each; abstract clerk, bookkeeper, weigh clerk, and assayer's computation clerk, at \$1,600 each; register of deposits, warrant clerk, and assistant weigh clerk, at \$1,250 each; cashier's clerk, \$1,100; in all, \$31,950.  
"For wages of workmen and adjusters, \$20,000.  
"For incidental and contingent expenses, including wastage of operative officers and loss of gold contained in sweeps sold, and for machinery and repairs, \$7,500."

Mr. BINGHAM. I would ask the gentleman if he has followed specifically the current law?

Mr. MEYER of Louisiana. Accurately.

Mr. BINGHAM. Has the gentleman any statement to make?

Mr. MEYER of Louisiana. I have none unless the gentleman desires.

Mr. BINGHAM. Has the gentleman any statement to make why he desires the amendment?

Mr. MEYER of Louisiana. I desire the amendment, Mr. Chairman, because the mint at New Orleans has still 9,000,000 ounces of silver bullion in its vaults, and because, in my judgment and that of my colleagues, it is eminently fit and proper that it should be continued as a mint for the ensuing fiscal year of 1903-4. Of course, if at the close of the next fiscal year of 1903-4 the New Orleans mint has consumed its supply of bullion, and if there is no change in the coinage laws or no apparent source of supply for its further use, we can not expect to continue the institution as a mint.

Mr. BINGHAM. Mr. Chairman, I have been directed by the Committee on Appropriations to accept in the House, as an amendment, continuing during the fiscal year ending June 30, 1904, the current appropriations for the operation of the mint at New Orleans, and in view of the statement of the gentleman in the presence of the House that there will be no continued pressure on the part of representatives of the district in which the mint is situated, should there be no change in the existing law as to coinage, as well as should the Secretary again recommend the discontinuance of the mint and its conversion into an assay office, the amendment of the gentleman is accepted.

Mr. MEYER of Louisiana. That is, should there be no change in the existing condition.

Mr. BINGHAM. In the statute governing coinage.

Mr. MEYER of Louisiana. And also in the supply of bullion for coinage, which may change.

Mr. BINGHAM. The gentleman understands that under the act of 1890 this next year will exhaust all the bullion for coinage into silver dollars. That will close it. There will be no more coinage of silver dollars under the act of 1890. Therefore, if there is no change in the existing statutes, we understand that the gentleman has no desire to press any future requests that the New Orleans mint shall be continued as a mint; but it is understood that it shall simply be retained as an assay office. Of course, what change there may be in the existing statutes a year hence we do not know.

Mr. MEYER of Louisiana. No; we anticipate, however, that there may be a change in the mintage laws. The supply of subsidiary coin must be enlarged.

Mr. BINGHAM. That may be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

Mr. HEMENWAY. Mr. Chairman, I desire to be heard on that proposition. As I understand this matter, the Committee on Appropriations are not willing to admit the amendment of the gentleman from Louisiana unless it is understood that when the next appropriation bill is presented the gentleman will be satisfied to have the New Orleans mint continued as an assay office. The conditions are about these: The bullion has to be shipped from Philadelphia down to New Orleans, and then the coined dollars, to a great extent, have to be brought back to the markets again. To continue that mint this year will cost the Government something like \$100,000. Now, I do not understand why the mint should be continued for the accommodation of the city of New Orleans, at an expense of \$100,000 to the Government of the United States. It is true there are, I believe, some 9,000 ounces of silver down there.

Mr. MEYER of Louisiana. Nine million ounces.

Mr. HEMENWAY. Nine million ounces. The gentleman from Louisiana makes that statement. I am not informed as to the correctness of it, but I have no doubt the gentleman has inquired into it. It looks to me as though when that silver is coined, that mint ought to be discontinued. The truth is, we have a clamor for additional mints, when the San Francisco mint and the Philadelphia mint can coin all the money we need. We have \$500,000,000 of gold coin now stored away.

A MEMBER. Silver coin.

Mr. HEMENWAY. No; \$500,000,000 of gold coin stored away, more gold than we will need coined in the next generation for circulation, and we are wasting money now by coining additional gold. Why this mint should be continued, in view of this cost to the Government, I can not understand, and this New Orleans mint especially has been a subject of controversy in Congress since 1842. Henry Clay, in 1842, in discussing this matter in the Senate, said:

Among other items there are several useless mints, which only operate to waste the public money. A friend, occupied in investigating this subject, has told me that the mint in New Orleans has already cost the country half a million of dollars for getting ready to coin bullion not yet dug out of the mine.

So it appears that as far back as 1842 they were wasting money on this New Orleans mint, and we are again called upon to waste \$100,000 this year to continue that mint.

The mint at San Francisco, the mint at Philadelphia, and the new mint at Denver can coin all the money that is needed in these United States, and more, too, and there are reasons why these mints should exist. There is a great mining center at Denver, where an immense amount of gold and silver is mined, and can be easily delivered. There is the San Francisco mint, where bullion from that section of the country and the bullion from Alaska and the Pacific coast can be cared for. Here is the Philadelphia mint, where the great imports of bullion can be cared for.

Now, as to the distribution of the money among the people, it is claimed that silver is used down there in that Southern country, and that it should be handy for distribution. Well, the mint has nothing to do with distributing the silver. The silver goes from the subtreasury at New Orleans, and we have \$27,000,000 of it there now. If we do not ship another dollar of silver to New Orleans and that mint should be discontinued, it would be many years before the supply of silver dollars now deposited in the subtreasury at New Orleans would be exhausted. I do not believe this amendment ought to be adopted, unless it is clearly understood that when this bill comes up next year the delegation from Louisiana will be satisfied to have the New Orleans mint reduced to an assay office. In fact there is now but very little bullion received there. I think last year only about \$400,000 worth of



bullion was received at New Orleans. It is simply a useless expenditure of money.

It cost \$259,000 to run that mint last year, and will cost the same this year, when we could coin every dollar of that money at Philadelphia or San Francisco at hardly an additional dollar of cost to the Government, and yet, simply to accommodate the officials in charge of the mint, we go ahead spending public money in conducting a mint there. I do not believe it is good policy. I believe the money ought to be saved. I believe this matter ought to be dealt with as a business proposition, and that mint reduced to an assay office.

Mr. CANNON. Will my friend allow me a question?

Mr. HEMENWAY. Certainly.

Mr. CANNON. I listened with much interest to the gentleman, and it seemed to me that we have this condition—a mint in New Orleans that in no way serves anybody in New Orleans or the interest of any section of the country save alone the officers that draw these salaries. This is a Republican Administration, and they are presumably Republican officials. The protest comes from our Democratic friends of the delegation from Louisiana. Now, if it is objected that the Republicans shall not dispense with some useless places in the mint at New Orleans that do not redound to anybody's benefit except the people that hold the particular offices, and that objection comes from the Democratic side, I would be glad to know if by and by the pendulum should swing the other way and we should have a Democratic Congress, if the time should ever come that we shall not get rid of useless offices.

Mr. HEMENWAY. I am waiting to hear from my distinguished friend from Missouri, Mr. CHAMP CLARK, who is ever anxious to get rid of useless public officials, who has not yet discovered that down in New Orleans we are paying out thousands of dollars simply to give the money to these officials, simply because, as the gentleman has well said—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEMENWAY. I ask unanimous consent that I may have three minutes more time.

There was no objection.

Mr. HEMENWAY. There is absolutely no reason for the continuation of this New Orleans mint except to continue in office there a lot of Republicans, who ought to go out of office because the country has no longer any use for their services, and it is costing the country thousands of dollars to keep them.

Mr. MADDOX. Are not our Republicans as good as yours?

Mr. HEMENWAY. Certainly; just as good; but it was pointed out that here is an office that is not necessary, and when any public officer is drawing a salary that he ought not to draw, the office ought to be discontinued whether it is in New Orleans or any other section of the country.

Mr. MADDOX. Will the gentleman permit me to ask him a question right there?

Mr. HEMENWAY. I would be glad to.

Mr. MADDOX. Take the increases that you have made in this bill, are there not 73 made in the Treasury Department?

Mr. HEMENWAY. Why, certainly.

Mr. MADDOX. Can the gentleman point out a single one of the 73 that is absolutely necessary to the public service?

Mr. HEMENWAY. Well, I will tell you what I think about it.

Mr. MADDOX. Any good business man would go down there and would turn out the first half of the clerks so as to put the other half to work.

Mr. HEMENWAY. I will state for the gentleman's information that the gentlemen who have charge of the bill have not, according to the statement of the officers of the Department, given them sufficient force to properly discharge their duties.

Mr. BINGHAM. Have not given them what they said they needed.

Mr. HEMENWAY. Not given them within 600 clerks of what they said they desired. More than that, they say we have not given them enough clerks to transact the public business. If the gentleman can point out one single clerk added in this bill that ought not to be added to it for the proper transaction of public business, I invite him to do so.

Mr. MADDOX. I will say to the gentleman that I can not point it out; but it is singular that all this claim should be made at once, and after the little discussion the other day on this subject I notice that every single clerk that you have put on and every increase that you have made in the pay of these clerks has been on his application alone.

Mr. HEMENWAY. Oh, no; not on his application alone, but upon the application of the heads of the Department.

Mr. MADDOX. And the records show it.

Mr. HEMENWAY. Now, the gentleman has had his three days that he was so anxious about, and more, and he ought to be informed on this question; and if there is one single clerk provided for in this bill that the gentleman can point out that ought not to be provided, the Committee on Appropriations, and the

House, I have no doubt, would be glad to have the gentleman point out where and why that particular clerk is not necessary.

Mr. LIVINGSTON. Mr. Chairman, the gentleman from Indiana has made the criticism that we are expending money for nothing, and the gentleman from Illinois makes the further criticism that this expenditure is called for from the Democratic side of the House. The gentleman from Indiana could have well said, if he had gone one step further, that there was much money being expended on mints and assay offices that there is no necessity for. Now, why he should single out New Orleans I do not know. Why did he not refer to the mint at Denver, Colo.?

Mr. HEMENWAY. There is no mint there.

Mr. LIVINGSTON. It is a mint. It is practically a mint. I will make the correction. We are building a mint there, and appropriating money for it, and spending a vast sum of money.

Mr. LITTAUER. But not in this bill.

Mr. LIVINGSTON. No, sir; not in this bill; and the House is aware of the fact, and I am only stating the fact.

Now, in the hearings the Director of the Mint said there was no necessity for that mint and never would be unless the laws on coinage should be changed; in other words, unless the mints go back to the coinage of silver. And there is no use for the mint at San Francisco, no use for the mint at Denver. You will find the fact stated by the Director in the hearings, and he says that the mint at Philadelphia can do the entire work. Then why not take the position at once and be done with it, saying that we are not acting blindly when we stop coinage at New Orleans, but that we propose to apply the same measure in San Francisco and Denver and Philadelphia. We might just as well recognize now that the Philadelphia mint is not working up to its capacity.

Mr. HEMENWAY. The gentleman has stated that the Denver mint is not working up to its capacity.

Mr. LIVINGSTON. I spoke of the Philadelphia mint.

Mr. HEMENWAY. I desire to say that Denver has no mint. The reason why New Orleans should be mentioned in this connection rather than San Francisco and Philadelphia is that bullion is deposited at San Francisco and Philadelphia, and has to be shipped from those points to New Orleans. If bullion were deposited at New Orleans, if it were in the center of great mining regions, there would be no reason why the New Orleans mint should be singled out as a mint to be dropped. The simple trouble is that this New Orleans mint is not properly located; and that is the reason it has been selected for the suspending of minting operations.

Mr. LIVINGSTON. I want to repeat that the Philadelphia mint is not working to its full capacity, and will not be under any circumstances, unless the existing statutes in regard to coinage are changed.

Mr. BINGHAM. In one meaning of the words the gentleman may be correct in saying that the Philadelphia mint is not worked to its full capacity, but it is running up to the capacity that the appropriation allows.

Mr. LIVINGSTON. I understand that. But, Mr. Chairman, the time is coming when we shall have to look beyond New Orleans in our efforts to reform this matter; and I wish to give notice to the House that twelve months from now, when this question with reference to New Orleans shall come to the front, when gentlemen from that section will be expected to stand here and submit to the proposition that New Orleans shall in the future be nothing but an assay office, it will then be realized that there are other mints in the country that must share in the same fate.

Take the assay office at Denver, Colo. What are we appropriating here for that office? More than \$43,000, although there is no more assaying there than at the New Orleans mint. We have had assay offices scattered all over the Northwest. Half of them can be dispensed with to-day without the least damage to the service.

This is all I want to say—that when the time comes to begin this reformation, this cutting of expenses, it must go beyond New Orleans and the South.

A MEMBER. Why do they want to suspend the work at New Orleans?

Mr. LIVINGSTON. Because there is no work to do. That is the reason.

Mr. GAINES of Tennessee. Mr. Chairman, last summer I was over at San Francisco, and the year before that I was in New Orleans. I saw the mint at New Orleans crowded with work. At San Francisco the director of the mint said that they had not work enough to keep all the employees continuously at work.

Sir, ever since I have been in Congress there has been an effort to stop operations at the New Orleans mint. It seems to me, sir, that if the mint at New Orleans was ever necessary, if it was ever proper to build a mint there, it certainly is not improper to continue it now. That mint is certainly nearer the silver-producing and gold-producing portion of the United States and the



gold-producing portions of Mexico and South America, from which gold can be brought in and coined, than the city of New York or Philadelphia. But, sir, the spirit of our legislation seems to be that everything in the minting business shall be centered at Philadelphia; that the gold from the Klondike and from the Philippines, if there is any gold there, and from Colorado, and from all the gold-producing points of the West, as well as whatever silver may be mined, shall be hauled clear across the continent and coined at Philadelphia, and that then the coin shall be put upon an express car and shipped back to the points where it is really needed.

Now, the reason why we put the mints out in the West was to have them where the gold and silver was mined and where it is yet. The reason why the cotton manufacturers in the South are flourishing as never before is that we are taking the machinery to the cotton fields. Why do you gentlemen wish to strike down the mints, older than your grandfathers are? Why do you not strike them down in Denver? Instead of that you are building, as the gentleman from Georgia said. There will come a day of reformation. Why do you want to cut down one in contiguous territory to the gold-producing country? Why did you put a mint in Philadelphia? Was it when the country had forty-six States? No; it was in the infancy of the country, when it was nearer the center of civilization and population. It is not that now, either in population or in civilization. Between the lines, gentlemen, I can see a purpose of Congress, and perhaps there are some Democrats in it, to have all of our coining done at Philadelphia, and have the Government pay, as it does now under some circumstances, for the transportation of the bullion from the West to Philadelphia and then transporting the coin back to the West again. I have always opposed the discontinuance of this mint and also the mint at Denver, and I shall continue to do so.

Mr. BINGHAM. Mr. Chairman, I have no disposition to continue the debate; neither is it my purpose to go into the relations of the coinage interests throughout the country, nor as to whether it could best be done in Philadelphia. We have the mint at Philadelphia and it was constructed early in the thirties. Around it has grown up the great States and commercial and industrial interests of the country. To-day it is regarded as the best-equipped mint in the world. By the statement of the Director of the Mint, the entire coinage of this Government could be done in the mint in Philadelphia. In 1890 the Government determined to build a new mint in the city of Philadelphia. It has taken eleven years to consummate the structure. I stated in the debate then that the sale of the old building in the center of the city, I thought, in the main, would meet the construction of the new mint. The appropriation under the new statute was \$2,000,000. The sale of the mint within the present year has been made at \$2,000,000. Therefore the best mint in the world to-day is in the possession of the Government without the expenditure of a single dollar.

Mr. GAINES of Tennessee. I want to ask the judgment of the gentleman from Pennsylvania, for I think his judgment is as good as the Director of the Mint, and I know you both. Does the gentleman think it is good policy for the Government to close all its mints and have all the coinage done in Philadelphia?

Mr. BINGHAM. I am not talking about the policy. I only stated the action of the Committee on Appropriations accepting the amendment of the gentleman from Louisiana, and I read from the slip of paper I had in my hand.

The question was taken; and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Territory of Hawaii: For governor, \$5,000; secretary, \$3,000; chief justice, \$5,500; and two associate justices, at \$5,000 each; in all, \$23,500.

Mr. CLARK. Mr. Chairman, I want to ask the gentleman from Pennsylvania why we pay the governor and the judges of the Territory of Hawaii more than we pay the judges and governors of other Territories?

Mr. BINGHAM. They are fixed by statute.

Mr. CLARK. How did they come to be fixed by statute for that amount?

Mr. HEMENWAY. It was by the law passed by the House—

Mr. CLARK. What was the reason for it?

Mr. HEMENWAY. I do not know the reason for it.

Mr. CLARK. Nobody else. I move to cut them down to the same amount as is paid the others.

Mr. BINGHAM. To that, Mr. Chairman, I make the point of order that it changes existing law.

Mr. LIVINGSTON. Why, Mr. Chairman, the gentleman from Missouri can not be in earnest when he has been told that the salaries have been fixed by statute. We do not legislate in an appropriation bill; we take the statutes as they stand and appropriate the money under the law, and that is all we can do.

Mr. CLARK. Why, Mr. Chairman, this is a statute that we are passing now. I do not see why you can not cut salaries down, and that would be repealing the other statute.

Mr. LIVINGSTON. The rule simply says that you can not legislate on an appropriation bill, and that is the reason.

Mr. CLARK. I do not believe that point of order is well taken. The CHAIRMAN. Does the gentleman from Missouri insist upon his amendment?

Mr. CLARK. Yes; I want to cut down these salaries to the same amount as is paid these officials in the other Territories.

The CHAIRMAN. The gentleman will please state his amendment.

Mr. CLARK. The amendment is to cut the salary of the governor of the Territory of Hawaii to \$3,000 and that of the judges of the supreme court to \$4,000. It seems to me there is no sense in giving those men out there in Hawaii more than men get who hold similar positions down in Oklahoma, New Mexico, and Arizona.

Mr. BINGHAM. If the Chair has the statute there before him, I would respectfully refer him to the act of April, 1900, volume 31, page 153. I would state that we have simply followed the statute.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. BINGHAM. I have made the point of order.

The CHAIRMAN. Does the gentleman wish to be heard on his point of order?

Mr. BINGHAM. I submit that it changes existing law.

Mr. CLARK. This is making a proportional appropriation. They can sue in the Court of Claims and get the rest of it.

Mr. BINGHAM. I would call the attention of the Chairman also to page 1 of the bill, which is as follows:

That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June 30, 1904, and for the object hereinafter expressed.

The CHAIRMAN. The Chair is inclined to hold that the amendment is not subject to the point of order, but would be glad to hear from the gentleman further if he wishes to discuss the question.

Mr. BINGHAM. It is my opinion that the rulings of the Chair have always been to the contrary.

Mr. LACEY. Mr. Chairman, that question came up on the appropriation for the Indian inspectors one or two sessions ago. The law fixes the salary of an Indian inspector at \$3,000. The appropriation is \$2,500, and that has been followed for the last eight or ten years. It was held directly by the Chair on the Indian appropriation bill that it was perfectly proper for Congress to refuse to pass any appropriations or to cut the amount down to any sum. Of course that gave to the officials, possibly, the right to go into the Court of Claims and get the balance of the money.

The CHAIRMAN. It has been held that the appropriation of a less sum than the amount fixed by law for the salary of an officer is not a change of law, even though it be accompanied by such a condition as practically effects a reduction of salary.

Mr. GARDNER of New Jersey. Mr. Chairman, if I understand the reading of the bill, it goes on and provides that the amount so appropriated shall be in full compensation for the services.

Mr. BINGHAM. That is right.

Mr. GARDNER of New Jersey. Then if we pass this amendment it would be making new law. We say so much appropriated, which shall be in full compensation for service.

Mr. MANN. In that case, Mr. Chairman, would the point of order lie to this amendment or to the provision of the bill which changes existing law?

Mr. BINGHAM. It is too late now to raise that point.

Mr. MANN. If it is too late for that, that would not affect this amendment. This amendment does not change existing law. It is the provision of the bill just referred to which changes existing law.

The CHAIRMAN. In conformity with former rulings on amendments of this character, the Chair is of opinion that the point of order is not well taken, and it is therefore overruled.

Mr. BINGHAM. Very well; we will take a vote on the proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. CLARK) there were—ayes 38, noes 55.

So the amendment was rejected.

The Clerk read as follows:

For judges of circuit courts, at \$3,000 each, so much as may be necessary for the fiscal year ending June 30, 1904.

Mr. MADDOX. Mr. Chairman, I would ask the gentleman from Pennsylvania what is meant by the paragraph which has just been read, referring to the words "so much as may be necessary," etc.



Mr. BINGHAM. I would state to the gentleman that the limitation under the statute is the compensation of the judges—\$3,000—but the statute allows the President, at his discretion, to indicate the number of judges necessary. We have confined this appropriation to the existing order or condition which now prevails. The limitation in the statute is on the compensation. There is no limitation in the statute upon the number of judges to be appointed, that being discretionary with the President.

Mr. MADDOX. It seemed to me to be very awkwardly worded, and I did not understand that. The words "or so much as may be necessary" seemed to appropriate indefinitely.

Mr. BINGHAM. So much money as may be necessary is included. It is an indefinite appropriation.

Mr. MADDOX. It seemed to me to be very indefinite.

The Clerk read as follows:

For contingent expenses of the Territory of Hawaii, to be expended by the governor for stationery, postage, and incidentals, \$500, and for private secretary to the governor, \$2,000; for traveling expenses of the governor while absent from the capital on official business, \$500; in all, \$3,000.

Mr. CLARK. I move to strike out that clause:

For traveling expenses of the governor while absent from the capital on official business, \$500.

There is no such provision for the governors of the other Territories, and I undertake to say that all of them have to travel just as much as the governor of Hawaii does.

The question being taken on the motion of Mr. CLARK, on a division (demanded by Mr. CLARK) there were—ayes 34, noes 51. Accordingly the amendment was rejected.

The Clerk read as follows:

For continuing the employment of such additional temporary force of clerks, messengers, laborers, and other assistants, rendered necessary because of increased work incident to the war with Spain, as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the needs of the service may demand, \$541,430. Persons in the classified service of the Government shall not be eligible to appointment under this appropriation or other appropriations for additional employees because of increased work incident to the war with Spain, or to be transferred from any position in the classified service to positions paid under this or said other appropriations.

Mr. CLARK. Mr. Chairman, I want to ask—

Mr. COWHERD. I hope the gentleman will reserve the point of order.

Mr. CLARK. Yes; I do reserve the point of order, and make it, too.

I want to inquire how it happens that the committee recommend that those examined under the Civil Service Commission shall not be appointed to any of these places?

Mr. BINGHAM. The civil service extends to all of these places now by act of Congress.

Mr. CLARK. Well, I know, but it says here in so many words:

Persons in the classified service of the Government shall not be eligible to appointment under this appropriation or other appropriations for additional employees because of increased work incident to the war with Spain, or to be transferred from any position in the classified service to positions paid under this or said other appropriations.

I want to know the meaning of that.

Mr. HEMENWAY. I will explain to the gentleman about it. This was the condition when this temporary force was provided for. Of course the salaries were not fixed in the lump-sum appropriation. The different departments acquired the habit of taking men out of the classified service and appointing them under this lump-sum appropriation and increasing their salaries. In the following year, to prevent that, this provision was put on, and it has remained since.

Mr. COWHERD. It is not in the last bill.

Mr. HEMENWAY. Oh, yes.

Mr. COWHERD. In the last legislative, executive, and judicial appropriation bill?

Mr. BINGHAM. Yes; it is the verbiage of the bill.

Mr. HEMENWAY. Yes. The object of the provision was to prevent the taking of clerks out of the Departments, from the classified service, and putting them in under this provision and increasing their salaries. We provided that all clerks who had been so transferred should be retransferred back to the service from which they came, and that none of the clerks appointed under this lump-sum appropriation should be put into the classified service, the idea being to keep them out of the regular force until Congress got ready to put them there.

Mr. COWHERD. If the gentleman will pardon me, is not this an entirely different provision of law, and have you not got here a new provision of law, that in the selection of these temporary clerks you can not go to the eligible list or to any person eligible to appointment under the civil service?

Mr. HEMENWAY. Not at all.

Mr. COWHERD. That is the language of the law:

Persons in the classified service of the Government shall not be eligible to appointment under this appropriation.

Mr. HEMENWAY. The gentleman misunderstands.

Mr. COWHERD. I am quoting from the bill itself.

Mr. HEMENWAY. The gentleman misunderstands this provision. The intention was just what I have stated, to prevent the department from taking a clerk of class 2, for instance, in the department and lifting him out of that classified service and appointing him under this temporary war fund and raising his salary. They did that in numerous instances. They took clerks that had heretofore been clerks of class 1, 2, or 3 and appointed them upon this temporary force and raised their salaries. Now, to prevent that practice—

Mr. BINGHAM. And it has prevented it.

Mr. HEMENWAY (continuing). We have served notice on the heads of the departments that these clerks must be transferred back to the places from which they were taken, and any increase of salary made has to be changed. We do this in order to protect the force. Now, then, since that time, as the gentleman knows, all these clerks have been covered into the civil service. But the heads of the departments have been urging the Committee on Appropriations to appropriate specifically for these people, as for clerks of class 1, 2, 3, 4, and so on, and thus fasten them on the service permanently. The Committee on Appropriations has refused to do it, and has given them a lump-sum appropriation, the result being that last year we had a reduction of \$55,000, and we believe it will result this year in a still greater reduction. But if these clerks are covered into the classified service as clerks of class 1, 2, 3, and 4, then we would have them fastened on the department.

Mr. CLARK. Is there not a way to get rid of a clerk when you have got no further use for him?

Mr. HEMENWAY. If the gentleman will permit me, I will state that in every one of these departments they have been insisting that these clerks are absolutely necessary. Now, Congress has got to rely on somebody for information, and when the head of a great department comes down and says public business is suffering from the fact that he has not sufficient clerical help and that the clerks are working overtime—not only performing their eight hours' service, but working overtime—then the committee is certainly not warranted in reducing the number of clerks; but we keep this lump sum here for another year, so that the responsibility is placed upon the heads of the departments for keeping these officials.

Mr. CLARK. This is new legislation.

Mr. BINGHAM. If the gentleman will permit an additional statement. Your committee in connection with this bill refused to increase the existing force that makes up the various bureaus of the War Department. We did not increase a single man, nor did we increase a single salary, believing that in leaving to the discretion of the Secretary this lump sum for the employment of the force necessary we would get better administration. We turned our faces resolutely against giving an increase of salary or making any increase of the permanent force.

Mr. HEMENWAY. I want to call the gentleman's attention to another fact. I do not believe the gentleman would insist on his point of order, though I do not believe it is well taken, if he knew the effect of it. Say this provision goes out; then what is the result? Then the head of a department can take a clerk of class 1, now receiving \$1,200 a year, and fix his salary out of this lump sum appropriation at \$1,800 a year. That would be the effect if this legislation goes out. Then it leaves him free to take one of these clerks now in the office by law and change him and put him under this lump sum.

Mr. CLARK. If he did that, he ought to be impeached.

Mr. HEMENWAY. Well, this was what we attempted to get rid of. This legislation prevents him from doing that; and the effect of holding that the point of order is well taken will be to increase salaries.

Mr. UNDERWOOD. I would like to ask the gentleman from Indiana a question, if he will permit me.

Mr. HEMENWAY. Certainly.

Mr. UNDERWOOD. Was this same language carried in the appropriation bill of last year?

Mr. HEMENWAY. Oh, yes.

Mr. BINGHAM. The very language.

Mr. HEMENWAY. That would be the effect; and I want to call the attention of the gentleman to it.

Mr. CLARK. If he does that I will bring in a bill here to impeach him.

Mr. HEMENWAY. It was exactly what was done until this legislation was put in this bill.

Mr. BINGHAM. It was done by this House on the recommendation of your committee of the House.

Mr. CLARK. I ask for a ruling on the point of order.

The CHAIRMAN. The gentleman from Missouri raises the point of order against the paragraph on page 80, lines 12 to 18, inclusive.



The paragraph in question is as follows:

Persons in the classified service of the Government shall not be eligible to appointment under this appropriation or other appropriations for additional employees because of increased work incident to the war with Spain, or to be transferred from any position in the classified service to positions paid under this or said other appropriations.

This provision is clearly new legislation. The point of order is therefore sustained.

The Clerk, proceeding with the reading of the bill, read as follows:

Hereafter the Commissioners of the District of Columbia shall deposit with the Treasurer of the United States, to the credit of the Secretary of War, the receipts from fines and forfeiture of collateral from cases brought before the police court by the United States park watchmen, which deposits shall be held in trust by the Secretary of War and disbursed by him, under such regulations as he may prescribe, for the relief of United States park watchmen who may become disabled in the line of duty, or for the relief of the widows or children of such watchmen who die in the line of duty.

Mr. BARTLETT. Mr. Chairman, reserving the point of order, I want to hear from the gentleman in charge of the bill the reasons for this provision. This is the first time, is it not, that this has appeared in an appropriation bill? I want to ask him if this is not new legislation?

Mr. BINGHAM. Yes; this paragraph is entirely new. If the gentleman wants me to explain it I will.

Mr. BARTLETT. Certainly I do.

Mr. HEMENWAY. The gentleman from Georgia has a right to make the point of order.

Mr. ROBINSON of Indiana. I make the point of order, Mr. Chairman, so as not to be too late.

Mr. BINGHAM. On the force under control of Colonel Bingham, who has charge of public buildings and grounds, there are 28 watchmen appropriated for in this bill. They make arrests within the territory that they are called upon to protect and watch. These arrests are often for various transgressions of the law, for which a fine follows. That fine now goes into the general fund running for the benefit of the relief fund of the police department in the city of Washington.

The District police have nothing to do and have had no part in the arrest of the offender against the law. It is done by this force of watchmen employed and paid by the Government of the United States. That fund a year ago amounted to \$1,700, which went into the police relief fund of the District, a fund for the benefit of the city policemen. Last year this fund amounted to about \$3,000. It does not seem fair that the results of the efforts of this body of men doing this work under the pay of the Government, protecting Government property, should run to the general police fund of the District. The general police fund of the District under the statute is never in want of immediate funds for the demands of relief made upon it. It has a surplus, but no benefit ever runs under the existing statute to the men employed by the Government, who really make the arrests in these cases.

All that this provision does is to allow the creation of a fund wherein the benefits will run to the families of the killed and the sick watchmen from this body that constitutes the force under the Government.

Mr. BARTLETT. I understand the gentleman from Pennsylvania to say that the fees and forfeitures that accrue to the police force of the District of Columbia is a fund under the law, already set apart for the relief of the police force, and now this intends to provide a relief fund for these particular watchmen who police the parks.

Mr. HEMENWAY. It takes away the money that goes to the police fund and puts it into a fund by itself.

Mr. BARTLETT. There is already a law by which the fines and forfeitures in the District of Columbia are set aside for a police relief fund, and as I understand, this provision simply diverts this money from that fund and creates a fund by itself.

Mr. BINGHAM. That is all, so that the watchmen employed by the Government may be the beneficiaries. And, further, the police relief fund is never in distress. We make this recommendation simply because it is fair and is earnestly pressed by Colonel Bingham. Of course it is subject to the gentleman's point of order.

Mr. BARTLETT. I simply reserved the point of order. If anybody wishes to make it, he can do so. I think myself the whole system is wrong, but the gentleman from Pennsylvania has made the statement which makes it very equitable and just, if a wrong system is to be continued. I think the whole system of appropriating fines and forfeitures for the benefit of policemen is wrong. If it is the judgment of the gentleman from Pennsylvania, while I am opposed as a general thing to enacting legislation in appropriation bills, still I do not care to make the point of order. I understand the gentleman from Indiana desires to make it.

Mr. ROBINSON of Indiana. Mr. Chairman, I heard the gentleman from Pennsylvania say that it was only a diversion of certain portions of a fund as it is already provided by law. Is it a fund known as the Metropolitan police fund of the District?

Mr. BINGHAM. It is called the relief fund of the police department.

Mr. ROBINSON of Indiana. I have in my hand a bill introduced yesterday by the gentleman from Wisconsin [Mr. JENKINS] which reads: "That the sum of \$15,649.86 be, and the same is hereby, appropriated out of the revenues of the District of Columbia to pay the amount withheld from the pensioners of the police department on account of the deficiency in said fund." Now, it seems to me that this is simply a proposition opening the way for a civil-service pension list, or a sort of insurance system, a proposition such as has heretofore been presented to this House and has on each occasion met its disapproval.

Mr. BINGHAM. Will the gentleman allow an interruption?

Mr. ROBINSON of Indiana. Yes, sir.

Mr. BINGHAM. This is a deficiency which existed before the present law was in existence and before this relief fund was provided.

Mr. ROBINSON of Indiana. Mr. Chairman, we have had various bills presented to the House which embodied this theory of a pension fund for civil employees. The gentleman from Maryland [Mr. PRARRE] introduced such a bill, granting certain privileges to the special policemen stationed at street crossings in this city. That bill was overwhelmingly defeated by the sentiment of the House.

Mr. HEMENWAY. The gentleman will allow me to say that there is no proposition of that kind embraced in this bill. The proposition is simply this: Under the existing law the police of the District of Columbia have this pension fund made up of these fines and forfeitures. These 27 men are watchmen having the powers of police, to make arrests and to enforce the collection of fines and forfeitures. Under existing conditions they get no benefit from this fund. The money derived from their service goes into this general fund for the District police.

Mr. ROBINSON of Indiana. For the police officers of the District. And now it is proposed to extend this system to the park policemen.

Mr. HEMENWAY. We propose simply to take the money that they are now turning in, and, under proper rules and regulations, to allow them the benefit of it.

Mr. ROBINSON of Indiana. But, nevertheless, this is to be a sort of insurance fund, is it not?

Mr. HEMENWAY. That is already the condition. These men who now earn this money are earning it to pay pensions to somebody else.

Mr. ROBINSON of Indiana. You are proposing to extend the old system by introducing a new class of officers that are to have the benefit of it.

Mr. HEMENWAY. The gentleman's remedy is to have the other law repealed, not to prevent these men getting what they are entitled to. If the existing law is wrong, and I concede it is, let us repeal it.

Mr. ROBINSON of Indiana. I think that would be wise.

Mr. HEMENWAY. But let us not require these 27 watchmen to go on making arrests, bringing about convictions, collecting fines and forfeitures, and then have the benefit go to other members of the force no more deserving than these.

Mr. ROBINSON of Indiana. How many more officers will this proposed law incorporate into this system of insurance by the Government? Twenty-seven, I believe, or something like that. It is practically an extension of a system of insurance by the Government that this House has repeatedly voted down, because it is in the line of a civil-service pension list.

Mr. HEMENWAY. But the gentleman is all wrong in his supposition that we are seeking to create any such pension fund. It is already in existence; it is authorized by law.

Mr. ROBINSON of Indiana. But you seek to extend it to 27 more individuals. It is an enlargement of the system or the principle.

Mr. HEMENWAY. We are simply proposing to give to these men the results of the fines and forfeitures collected by them and the arrests made by them, instead of taking this money away from them and giving the benefits to other men who had nothing to do with these arrests.

Mr. ROBINSON of Indiana. But, if you pass this provision, do you not extend the principle of the proposition of the gentleman from Minnesota [Mr. TAWNEY], which proposed to establish a civil-service pension system, and the bill introduced by the gentleman from New York [Mr. WADSWORTH] to reorganize the Signal Service Bureau, which embodied the same principle and which was voted down by the House? This is an enlargement or extension—as regards certain individuals, at least—of the civil-service pension list and an insurance system by the Government—a measure which, as I have stated, the House has repeatedly voted down.

Now, I ask the chairman of the Committee on Appropriations, managing this bill, whether he does not think it would be wiser



and better that this system, acknowledged by his colleague on the committee [Mr. HEMENWAY] to be vicious, should be presented to the House as new legislation and not brought in on an appropriation bill? Why not let it come up in such a way that it may be considered upon its merits and justice done all round?

Mr. HEMENWAY. I will state, in reply to the gentleman, that the purpose of the committee was simply to deal fairly with a body of men who make these arrests under their jurisdiction as officers of the law, and to provide that the fines and penalties adjudged by reason of their efforts shall contribute to their benefit, instead of going to a fund that does not in any wise benefit them. We contend that the money thus collected should go to a fund of which they will be beneficiaries. We are only proposing to give to these men some benefit from returns that now go to the benefit of those who have nothing to do with these arrests or the collection of these fines and forfeitures. There is no pension fund about it. The law is there, and the money is paid to-day under the general law to a general relief fund. Now, the police of the District have had nothing to do with these arrests. We want to give the benefit to the men who make the arrests, and if the gentleman wants to repeal the whole proposition, let him bring in legislation.

Mr. ROBINSON of Indiana. Let the gentleman bring in a separate bill, and for that reason I insist on the point of order.

Mr. BINGHAM. It is simply an appeal to the fairness of the gentleman. It is subject to the point of order.

Mr. HEMENWAY. The effect of the point of order being made here is this: Here is a pension fund established by law. All fines and forfeitures go to it. Here are 27 members of the watchmen's force under the Government who are each day contributing to this fund. These watchmen get \$720 a year. A member of the police force gets about \$1,100 a year. The gentleman from Indiana seeks to take away, by a point of order, from these watchmen, who are getting \$720 a year, about from \$1,700 to \$3,000 each year, as it accumulates, and to turn it over to increase the pension fund of gentlemen who are getting \$1,100 a year, and then talks about coming with bills for pension funds.

Mr. ROBINSON of Indiana. Well, Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. HEMENWAY. I decline to yield. The gentleman does not seem to grasp the situation, that here is a law already existing, under which these pensions are paid, and that, by making a point of order against this provision, it has the effect of taking from \$1,700 to \$3,000 a year from men who are working for \$720 a year—contributed by them for the purpose of helping one another when they are sick, and taking care of them—and turning it over to swell a fund to go to men who are getting \$1,100 a year. That is all there is of it.

Mr. LOUD. Mr. Chairman, is there not a deficiency in this pension fund now of the police force which we will have to appropriate for?

Mr. HEMENWAY. Certainly not; and this Congress never ought to appropriate one cent, and, so far as I am concerned, I do not believe the law ought ever to have been passed; but it is a law now.

Mr. CLARK. Then why not repeal it?

Mr. HEMENWAY. We can not repeal it on this bill. We are simply trying to correct one of the evils of the law.

Mr. UNDERWOOD. Mr. Chairman, will my friend tell me why he can not repeal it if he can amend it? Both are subject to the point of order.

Mr. HEMENWAY. The gentleman from Alabama would make the point of order against it, and every member of the Committee on the District of Columbia would make a point of order, if we undertook to repeal it, but every member of the Committee on the District of Columbia admits that we ought not to do these men who are working for \$720 a year the injustice of compelling them to pay fines and forfeitures which they collect over into a fund for the benefit of men who are working for \$1,100 a year.

Mr. ROBINSON of Indiana. Mr. Chairman, I move to strike out the last word.

Mr. BARTLETT. Mr. Chairman, I would ask the gentleman from Indiana [Mr. HEMENWAY] whether this is not an amendment to the law?

Mr. HEMENWAY. Yes.

Mr. BARTLETT. Then if the gentleman can amend it, why can he not repeal it?

Mr. HEMENWAY. As I said, I have no doubt that this amendment will fail by reason of the point of order being made. I am very sure if we undertook to repeal it there would be many points of order made.

Mr. BARTLETT. Not on this side.

Mr. HEMENWAY. Oh, yes.

Mr. BARTLETT. I am sure the gentleman is mistaken.

Mr. HEMENWAY. The points of order seem to come from that side.

The CHAIRMAN. The gentleman from Indiana [Mr. ROBINSON] is recognized.

Mr. ROBINSON of Indiana. Mr. Chairman, I was unable to avail myself of the courtesy of my colleague from Indiana [Mr. HEMENWAY], although he occupied a measure of my time by interruption; but I will say now briefly that it does not lie with my colleague, a member of the great Appropriations Committee as he is, confessing as he does that this is a vicious system of legislation all through, to say that a member of this House can not assert his rights under the rules governing the consideration of appropriation bills, and ask the poor privilege of demanding that legislation shall not be made in this House on appropriation bills.

From what we have heard and from what we know of the gentleman from Indiana, and what is in promise for him, I hope he will never again take the stand to say that a member of the House shall quietly sit by and be denied the right of insisting upon that salutary rule, a rule originating from a gentleman from Indiana [Mr. Holman], that we shall not legislate upon appropriation bills in matters of legislation like this, legislation which the gentleman from Indiana says is vicious. Whether he changes it in this committee or restricts it, if it is wrong, as he confesses, so far from criticising others he should be found rushing to correct it. If it has merit, as is now claimed by gentlemen on the other side, I insist that it should be considered in the House in an orderly way, and I simply assert my rights as a member of the House to insist that it shall be done in that way and not on an appropriation bill. For that reason I insist on my point of order.

Mr. BROMWELL. Mr. Chairman, I desire to raise a point of order. The gentleman from Indiana made the point of order that this is new legislation. Afterwards, in rising to make the speech which he has just finished, he offered an amendment to this bill, moving to amend by striking out the last word. The point of order I want to make is that by offering this amendment and afterwards discussing it, that amendment being to strike out the last word, he has waived the point of order which he originally made, and therefore, as discussion has taken place on a proposed amendment to the bill, the point of order can not be raised either by the gentleman or by anyone else at this time. I submit that point of order to the Chair.

Mr. BARTLETT rose.

The CHAIRMAN. Does the gentleman from Georgia wish to be heard on this point of order?

Mr. BARTLETT. Yes. I want to call the attention of the Chair and the gentleman from Ohio to the fact that in the beginning I reserved the point of order upon this proposition, and stated that having reserved the point of order I did not desire them to make it, but the gentleman from Indiana—

Mr. HEMENWAY. The gentleman waived his right.

Mr. BARTLETT. Oh, no.

Mr. BROMWELL. Did not the gentleman from Georgia withdraw his point of order by saying that the gentleman from Indiana intended to make it?

Mr. BARTLETT. No; but the gentleman from Indiana rose and reserved it.

Mr. BROMWELL. But the gentleman from Indiana was well understood to have withdrawn his reservation.

Mr. ROBINSON of Indiana. Oh, no.

Mr. BARTLETT. No; and it is not fair. I stated this in the hearing of the gentleman from Pennsylvania, after an explanation of this matter, that I would not make the point of order myself, but the gentleman from Indiana then rose and himself reserved the point of order.

Mr. UNDERWOOD rose.

Mr. BROMWELL. I want to suggest to the gentleman from Georgia—

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Alabama?

Mr. BARTLETT. Yes.

The CHAIRMAN. Does the gentleman from Alabama desire to discuss the point of order?

Mr. UNDERWOOD. I do, after the gentleman from Georgia has concluded what he has to say.

Mr. BARTLETT. I trust that no such point as is made by the gentleman from Ohio will be insisted upon under the circumstances of this case. If I had had any idea that any gentleman on this side or on that side was going to be cut out from making the point of order, I certainly would have insisted upon it, and I do not think it is fair or just to the gentleman from Indiana, or any other gentleman, that what has happened and what I have done in the matter should preclude any member on the floor of this House from making the point of order. If the point of order which is insisted upon is sustained, we shall be very careful hereafter not to abandon our rights. I certainly did not mean to prevent any other gentleman from making the point of order.

Mr. UNDERWOOD. Mr. Chairman, I think this discussion that



we have had on the point of order to-day shows clearly that the rule is a wise one, and that legislation should not be enacted on an appropriation bill. Of course there are some exceptional cases where the House, by unanimous consent, allows legislation to go through on an appropriation bill; but in this instance the Committee on Appropriations have clearly gone outside of their jurisdiction and invaded the jurisdiction of another committee of the House purely in reference to a legislative matter that is not germane to the question under consideration. It is not wise to legislate in this manner; it is not a wise way for the House to investigate the question, and I agree with the gentleman from Indiana, who made the point of order, that it should be made and ought, of course, be sustained by the Chair.

Now, the only question that I can see in the case that can possibly arise as to whether the point of order of the gentleman from Indiana is well taken, is the question as to whether he has waived it. There is no question that the original point of order was well taken—that it is in contravention of the rule. Now, I know of no decision that holds or has ever held, in the parliamentary procedure of this House, that a member making a point of order could waive that point of order by indirection.

The right to make a point of order is not for the member or a privilege of the member alone. It is for the protection of the House. The right to have the point of order made is not for the protection of the individual, but for the protection of the membership of this House. Every gentleman on the floor of this House is as much interested in that point of order when once made as is the gentleman who makes it. Why? Because if the gentleman from Indiana had not made the point of order in this case, many other gentlemen might have arisen in their places and made it. If the gentlemen from Indiana withdrew the point of order, it was clearly the right and privilege of any other member of this House to rise in his place and renew that point of order. Therefore, if they had a right to renew it when it was waived by the gentleman from Indiana, the gentleman from Indiana could not cut the other members of this House out of that privilege by waiving it by indirection.

Mr. BROMWELL. Mr. Chairman, while I will admit, to a certain extent, what the gentleman has said, I want to call his attention, however, to this fact: When the gentleman from Indiana [Mr. ROBINSON] got up and moved to strike out the last word, which was an amendment to this bill, then was the time for that gentleman to renew the point of order which had been first suggested by the gentleman from Georgia [Mr. BARTLETT] and afterwards made by the gentleman from Indiana. Then was the proper time for him to exercise his right. He slept on his right by permitting this amendment to be offered and this debate to go on until the gentleman from Indiana had concluded. Therefore he can not now raise the question of whether or not he might have renewed the point of order.

Mr. UNDERWOOD. I will say to the gentleman from Ohio that this amendment to strike out the last word was clearly an attempt to get the floor, although he overlooked the fact, evidently, that the House had considered the amendment and the debate had wandered from the point of order and was on the merits of the question. He was solely attempting to attract the attention of the Chair and get the floor. That was clearly his object.

The CHAIRMAN. As the Chair understands it, the parliamentary situation is as follows: The gentleman from Georgia raised the point of order as against the paragraph in lines 21 to 25, page 87, and lines 1 to 5 on page 88. He reserved the point of order pending the discussion of the paragraph. The gentleman from Indiana gave notice that if the reservation of the point of order was withdrawn by the gentleman from Georgia he would renew it, and later the gentleman from Indiana made the point of order. During the discussion of the paragraph on which the point of order was made, the gentleman from Indiana [Mr. ROBINSON], for the purpose of further discussing the paragraph, made a formal amendment. The gentleman from Ohio [Mr. BROMWELL] makes the point of order that the offering of the formal amendment by the gentleman from Indiana [Mr. ROBINSON] was a virtual withdrawal of the point of order.

The Chair is of the opinion that the point of order made by the gentleman from Indiana was not affected by the formal amendment offered by him for the purpose of discussing the paragraph. Therefore the Chair holds that the point of order made by the gentleman from Ohio was not well taken, and overrules it.

The question is on the point of order made by the gentleman from Indiana on the paragraph in question—that the language objected to is new legislation. That point of order is sustained.

The Clerk read as follows:

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Office of the superintendent: For 1 clerk of class 1; stenographer and typewriter, \$900; chief engineer, \$1,200; 9 assistant engineers, at \$1,000 each; captain of the watch, \$1,200; 2 lieutenants of the watch, at \$840 each; 58 watchmen;

carpenter, \$1,000; electrician, \$1,000; plumber, machinist, and painter, at \$900 each; 4 skilled laborers, at \$720 each; 29 firemen; 10 conductors of elevators, at \$720 each; 18 laborers; 81 charwomen; 1 gardener, \$720; and 2 telephone operators, at \$900 each; in all, \$125,840.

Mr. BINGHAM. Mr. Chairman, I am directed by the committee to insert the following amendment, which was overlooked in making up the bill, and makes it in accordance with existing law.

The Clerk read as follows:

On page 88, in line 25, strike out "machinist" and insert in lieu thereof "three machinists."

On page 89, in line 4, strike out "eighteen" and insert "nineteen."

In line 7 strike out "twenty-five thousand eight hundred and forty" and insert "twenty-eight thousand three hundred."

The amendment was agreed to.

The Clerk read as follows:

For continuing the publication of an edition of 11,000 copies of the Official Records of the Union and Confederate Navies in the War of the Rebellion, in accordance with the plan approved by the Secretary of the Navy under the act of Congress approved July 31, 1894, and for the purpose of making such maps and illustrations as relate to the work, \$31,500.

Mr. LESSLER. Mr. Chairman, I would like to ask the chairman of the committee if he has any idea as to how long it will be before that record will be completed.

Mr. BINGHAM. I do not think we have had any statement from the Secretary upon that subject. He has submitted, however, that the increase carried in the paragraph will publish an additional volume. Heretofore two volumes have been published. The Secretary says that if we give him that appropriation for the next year the Department work is in such shape that without any additional subordinate force they can add the third volume and expedite the work.

The Clerk read as follows:

Indian Office: For the Commissioner of Indian Affairs, \$5,000; Assistant Commissioner, who shall also perform the duties of chief clerk, \$3,000; financial clerk, \$2,000; chief of division, \$2,000; principal bookkeeper, \$1,800; 5 clerks of class 4; 15 clerks of class 3; stenographer, \$1,600; stenographer, \$1,400; 11 clerks of class 2; draftsman, \$1,600; draftsman, \$1,500; architect, \$1,500; 26 clerks of class 1; 14 clerks, at \$1,000 each; 1 clerk, \$1,200, and 1 stenographer and 1 clerk, at \$1,000 each, to superintendent of Indian schools; 17 copyists; 1 messenger; 4 assistant messengers; 3 laborers; messenger boy, \$360; and 4 charwomen; in all, \$140,520.

Mr. SHERMAN. I offer the following amendment.

The Clerk read as follows:

On page 107, lines 6 and 7, strike out "chief of division, \$2,000," and insert in lieu thereof "two chiefs of division, at \$2,000 each."

And on line 20 strike out "five" and insert "seven."

Mr. SHERMAN. The purpose of this amendment, Mr. Chairman, is—

Mr. BINGHAM. And in line 8 strike out "five" and insert "four."

Mr. SHERMAN. And in line 8 strike out "five" and insert in lieu thereof "four."

Heretofore the head of the educational division has been designated not as the head of a division, but as a clerk of class 4. This will designate him as a chief of division and give him the same as other heads of divisions receive.

The CHAIRMAN. Does the gentleman from New York wish his amendment to stand as it is?

Mr. SHERMAN. Mr. Chairman, I wish to strike out the word "five," in line 8, and insert in lieu thereof the word "four."

Mr. MADDOX. Mr. Chairman, I should like to ask the gentleman if it is the purpose of that amendment to add a new office?

Mr. SHERMAN. It is not the purpose of the amendment to add a new clerk. Without the last amendment it would add another office. The gentleman in the office now is a clerk of class 4, receiving \$1,800. He performs the duties of a chief of division, and the purpose of the amendment is so make him a chief of a division and to pay him \$2,000, instead of \$1,800 as a clerk of class 4.

The question was taken; and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For the following clerks now employed and paid from the appropriation for continuing the work of transferring the Indian depredation claims from the Office of Indian Affairs to the Court of Claims, namely, for 3 clerks of class 1, and 1 clerk, \$1,000; in all, \$3,400.

Mr. BINGHAM. Mr. Chairman, I merely want to offer an amendment to correct the total.

The Clerk read as follows:

On page 108, in lines 7 and 8, strike out the words "three thousand four hundred" and insert the words "four thousand six hundred."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

BUREAU OF EDUCATION: For Commissioner of Education, \$3,500; chief clerk, \$1,800; statistician, \$1,800; specialist in charge of land-grant college statistics, \$1,800; translator, \$1,600; collector and compiler of statistics, \$2,400; specialist in foreign educational systems, \$1,800; specialist in educational system, \$1,800; 2 clerks of class 4; 2 clerks of class 3; 4 clerks of class 2; 7 clerks of class 1; 5 clerks, at \$1,000 each; 4 copyists; 2 copyists, at \$900 each; copyist,



\$720; skilled laborer, \$840; 1 assistant messenger; 2 laborers; 3 laborers, at \$480 each; laborer, \$400; in all, \$52,940.

Mr. WANGER. Mr. Chairman, I would like to ask my colleague on the committee why the appropriation for a specialist in education as a preventive of pauperism and crime, heretofore carried in this bill, has been omitted?

Mr. BINGHAM. It has not been estimated for in the Book of Estimates for appropriations. The Commissioner of Education submits this:

NOTE.—I omit in this place the item, "Specialist in education as a preventive of pauperism and crime," and respectfully recommend the discontinuance of the appropriation for this specific purpose. My reasons for this recommendation are, briefly, that the so-called scientific study of criminals has not advanced far enough to be of use to education. At present it confines its attention chiefly to bodily peculiarities, studying the form and size of the skull, the ears, the interior of the mouth, height and weight, and such matters, giving its results in the form of statistical averages. These bodily items may, in some way not yet made clear, have a connection with criminal propensities as cause or effect, but thus far such connection is only a matter of conjecture. Admitting, however, that the causal connections were discovered, they would not help but rather hinder the school in its work of removing criminal habits. For as certain children come to be known and marked out in the school or in the community as possessing the bodily signs of degeneracy in such permanent form as the shape of the skull or ears, or mouth, it would operate seriously to discourage them from efforts to form good habits. The influence of the school would be undermined by thus creating a suspicion of evil in advance of overt acts, and thereby working injustice on the pupil.

I will say that we went into no examination in this matter beyond the acceptance of this recommendation of the Commissioner of Education. The detailed work we did not examine. The necessity of the continuance of this department we did not examine. We accepted this as the statement of the Commissioner and reported the bill to the House as recommended in the Book of Estimates. The gentleman has his privilege to move an amendment and a point of order would not stand against it.

Mr. WANGER. Mr. Chairman, it seems to me that the specialist who has been provided for in the bills we have passed heretofore has manifested great intelligence and great industry, and I have understood that his work has met with the approbation of a large number of learned bodies. Whether it properly belongs in the Bureau of Education I am not sure. Neither do I pretend to set myself up as an expert capable of giving an opinion on the subject of any value to my fellow-members.

But believing that the studies and experiments should be continued, and in order that the matter may have consideration, I move to amend the bill by inserting on page 113, line 20, after the word "dollars," the words "specialist in education as a preventive of pauperism and crime, \$2,000;" so that there shall be in the next fiscal year the same provision that there is now and has been heretofore.

This specialist has published a number of interesting and comprehensive works, showing great research and enthusiastic zeal and marvelous capacity for labor in research and experimentation, and these publications have been translated into several languages, including the French language, showing the value in which they are held by the learned. It will probably be conceded that the extent to which education may be a preventive of pauperism and crime should be ascertained if it is reasonably possible to do so.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 113, line 20, after the word "dollars," insert "a specialist in education as a preventive of pauperism and crime, \$2,000."

The question was taken; and on a division (demanded by Mr. SMITH of Kentucky) there were—ayes 10, noes 32.

So the amendment was rejected.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DALZELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 15372) to provide for the payment of the expenses and compensation of the Anthracite Coal Strike Commission appointed by the President of the United States at the request of certain coal operators and miners, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 4850) to increase the pensions of those who have lost limbs in the military or naval service of the United States, or are totally disabled in the same, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. McCUMBER, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of

the following title; in which the concurrence of the House of Representatives was requested:

S. 6151. An act granting an increase of pension to Henry E. Burton.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 15140. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Fort Worth, in the State of Texas, on the first Monday in November in each year: and

H. R. 15445. An act to authorize the construction of a bridge across the Savannah River at Sand Bar Ferry, below the city of Augusta, Ga.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Permanent Census Office: For the following now authorized and paid, during the fiscal year 1903, from appropriations for the Twelfth Census, namely: For Director, \$6,000; 4 chief statisticians, at \$2,500 each; chief clerk, \$2,500; disbursing clerk, \$2,500; stenographer, \$1,500; 4 expert chiefs of division, at \$1,800 each; 6 clerks class 3; 10 clerks, class 2; 249 clerks, class 1; 204 clerks, at \$1,000 each; 90 copyists, at \$900 each; 1 clerk, \$720; 4 skilled laborers, at \$1,000 each; 1 skilled laborer, \$900; 1 skilled laborer, \$840; 1 skilled laborer, \$780; 1 skilled laborer, \$720; 10 watchmen, at \$720 each; 6 messengers, at \$840 each; 13 assistant messengers, at \$720 each; 15 unskilled laborers, at \$720 each; 35 charwomen, at \$240 each; in all, \$685,800.

Mr. COWHERD. I offer the amendment which I sent to the desk.

The Clerk read as follows:

In line 23 on page 114, strike out "six" and insert "five;" so as to make the salary of the Director of the Census Office \$5,000 instead of \$6,000.

Mr. CRUMPACKER. I make a point of order against this amendment.

Mr. COWHERD. I suppose the gentleman was not here a moment ago when the Chair ruled upon an identically similar proposition, that it was not subject to a point of order.

Mr. CRUMPACKER. Then I withdraw the point.

Mr. COWHERD. Mr. Chairman, of course, as we are all aware, the act which was passed, I believe last year, fixed this salary at \$6,000; but I find that in this very bill the salary of the Commissioner of Indian Affairs, who, as everyone knows, has a much more difficult and arduous position to fill, whose work is much harder, and who has more people under him, gets only \$5,000. The Commissioner of Pensions, who fills one of the hardest places under the Government, gets \$5,000. The Commissioner of Patents gets \$5,000. The Assistant Secretaries of the State, War, and Navy Departments get \$4,500 each. Yet we propose to give to the Director of the Census \$6,000.

Now, Mr. Chairman, the fact of the business is that the Director of the Census at present has very little to do. I believe it is the intention of the Government to give him something to do shortly in the way of a census of the Philippine Islands, but I am told that at present the work in his office is very light—so light, in fact, that the Director has been discharging some hundred or two of his force. Notwithstanding that, this bill carries, as I understand from the report of the committee, an appropriation for the permanent force of the Census Bureau as it was created by the act of one year ago. I ask the acting chairman of the committee whether I am not right.

Mr. BINGHAM. Not wholly, but sufficiently for the gentleman's argument.

Mr. COWHERD. Well, I am quoting from the gentleman's report, and I think I am quoting correctly, that so far as the Census Bureau is concerned the appropriation is made on the basis of the organization of the Bureau as it was created in the bill of a year ago.

There is one other thing I want to say in regard to this question, and I think it should have some weight with members of the House. I believe that in the matter of discharges—and, understand, I do not criticize the Director of the Census for discharging clerks if he does not need them; I think he ought to discharge every clerk that he does not need, no matter how much such discharges may cut down the force—but as I remember, in the discussion of the bill for the establishment of a permanent Census Bureau many votes were obtained for that measure on the theory that the Bureau was going to be a nonpartisan organization and that the men employed there, or taken in there, were to be taken in practically from every district. That consideration was urged very strenuously, and some members thought that, as I remember, such a provision was contained in the bill until after the report was made from the conference committee.

Now, I find that the Director of the Census Bureau is cutting down his force, as I say he ought to do if it is too large, but in cutting down the force to the number of some hundred or two, I am informed that practically every employee discharged is one that has been recommended by a Democratic member of Congress,



while other districts are left with two, three, or four appointees; that those selected for dismissal are practically taken almost entirely from those recommended by members on this side of the House.

Now, I do not contend for a moment that appointments to or removals from these places under the Government the Democrats ought to be recognized. So far as that is concerned, I am perfectly willing that gentlemen, in appointments to these places not under the civil-service regulations, should be as partisan as I would be if I had the making of the appointments.

But I do contend that when gentlemen get up here on the floor and put a bill through under certain representations, such as were made in this case, good faith to the other side of the House should be carried out; and I do contend that the Director of the Census can not discharge 100 men and in doing so discharge only Democrats, if the selections of persons to be discharged are made with reference to the matter of competency. I make these remarks because I do not want some gentleman to rise up here and say that I am making this proposition because of those discharges that have been made. I want to take time by the forelock and make this statement first.

But I do say that the motion I have submitted ought to prevail on its merits. No reason under the sun can be given why the Commissioner of Indian Affairs, the Commissioner of Patents, the Commissioner of Pensions should be paid \$5,000 each, while the Director of the permanent Census Bureau, that will never have any great amount of work, is paid \$6,000. I respectfully submit that this amendment ought to prevail.

Mr. BINGHAM. Mr. Chairman, for the taking of the census the Director of the Census Bureau was in the first enactment given a compensation of \$6,000.

A MEMBER. Seven thousand five hundred dollars.

Mr. BINGHAM. No, sir; \$6,000. The salary was afterwards increased to \$7,500. When we came to the enactment organizing that Bureau into a permanent bureau, which was done by general statute, not by an appropriation bill, the statute declared that the compensation of the Director should be \$6,000. That is the existing law, which your committee has followed in reporting this bill. Of course if this Committee of the Whole believes that it should be influenced by the argument of the gentleman from Missouri [Mr. COWHERD] it can determine that question for itself. Your committee followed existing law, without any inquiry whatever as to the merits of the proposition.

Mr. COWHERD. Certainly. I admit what the gentleman says is true, that this bill follows existing law, but is not this a fact, that when the salary of the Director of the Census was first fixed at \$6,000 a year and then at \$7,500 the idea was that the office was to be temporary and the work was to all fall within the period of two years, the time it was expected he would hold the office? Now, he holds for the entire ten years, and yet the salary stays at \$6,000.

Mr. BINGHAM. Not when the Congress fixed the final \$6,000, because it was then a part of the permanent Census Bureau.

Mr. COWHERD. I understand; but then the salary was fixed, as I said before, and votes, I regret to say, influenced on the idea largely that the spoils were to be divided. Now, as the spoils are not to be divided, it seems to me the gentleman ought to be put on the same footing as these other men, heads of great bureaus, who have more work and more responsibility.

Mr. MANN. Mr. Chairman, I hardly think that the criticism in reference to the discharge of census employees, made by the gentleman from Missouri, is justified. I don't know how many Republicans or Democrats are retained in that office. I know that for one I have no clerks left in the office. I doubt very much whether the question of politics has cut any great figure in regard to discharge. I have no doubt that so far as the Director of the Census is concerned in respect to retaining employees he has retained those that are competent, and as far as possible by Congressional districts.

Mr. MADDOX. Mr. Chairman, if the gentleman will permit me to interrupt him, I will state that I could not expect anything myself on this side, but the Director informed me that while I had a very capable man the time had come when he did not need him.

Mr. LITTLE. The same here.

Several MEMBERS. The same here.

Mr. MADDOX. The same all around here.

Mr. MANN. Of course, Mr. Chairman, it often happens that where a gentleman out of the goodness of his heart says a sweet thing to somebody it gets him into trouble. Because the gentleman said that the clerk was perfectly capable was only saying a sweet thing. He told me that I had some capable clerks, but he discharged them. Now, if the plan which has been suggested by the President and others for the creation of a department of commerce is enacted into law this office will have its labors very largely increased, because one of the purposes of such an enactment as that would be the consolidation of the different statisti-

cal departments of the Government as they now exist in connection largely with the Bureau of Census. If that be done, the salary that is fixed for the Director will not be too large.

Mr. HEMENWAY. Mr. Chairman, judging from the remarks of the gentleman from Missouri [Mr. COWHERD], the proposition is to punish the Director of the Census for discharging clerks, the gentleman forgetting that the Director ought to have some credit for appointing them originally. From a political standpoint I think the Director of the Census was very liberal, giving representation to all of our Democratic friends, as I believe he ought to have done, in appointing these clerks. I do not think now that he ought to be punished for discharging them, when there was no longer any use for their service. This is a great department. It requires the services of a first-class man, and for one I do not believe this salary ought to be reduced, and especially I do not believe that the Director of the Census ought to be punished for discharging clerks from that office. I hope the salary will not be reduced.

Mr. COWHERD. Will the gentleman yield to me for a question?

Mr. HEMENWAY. Certainly.

Mr. COWHERD. He does not think that it requires any more ability to fill this office than that of the Commissioner of Pensions or the Commissioner of Indian Affairs, does he?

Mr. HEMENWAY. Well, I do not know, and if the salaries of the other gentlemen are not high enough, the gentleman from Missouri can move to increase them.

Mr. COWHERD. Oh, we are all glad to follow the Appropriations Committee, if the gentleman wants to bring it in. You change these laws every once in a while.

Mr. HEMENWAY. We have not changed the law.

Mr. COWHERD. You have raised a good many salaries in this very bill.

Mr. HEMENWAY. Very few.

Mr. COWHERD. Some 15 or 20.

Mr. HEMENWAY. If the gentleman asks me a question he ought to permit me to answer it. This bill carries some \$22,000,000, and we have an increase in salaries of only about \$15,000, and the point of order made by the gentleman from Missouri [Mr. CLARK] will increase more salaries, 4 to 1, than this committee has increased in reporting this bill.

Mr. CLARK. If the gentleman will give me any opinion of how I increased those salaries, he will see whether the gentleman from Missouri wishes to increase them or not. There ought to be some power, some way of keeping those gentlemen from juggling with the clerk business.

Mr. HEMENWAY. And the gentleman got off this bill by a point of order that "some power somewhere" that did keep them from doing it, and although I explained to the gentleman from Missouri that that section of the bill prevented the increasing of salaries and prevented taking clerks from the classified service and giving them high salaries under this lump sum, the gentleman insisted upon his point of order, notwithstanding the fact that that provision had been placed upon the bill to prevent the increase of salaries and had prevented the increase of salaries.

Mr. CLARK. I insisted on it because I supposed the officials were honest.

Mr. HEMENWAY. The gentleman insisted upon it in his anxiety to get something out of the bill; and, as I say, when one year rolls around it will be demonstrated that the gentleman increased more salaries by taking that provision off the bill on a point of order than the committee on the legislative bill increased when they reported this bill to the House.

Mr. MADDOX rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Georgia?

Mr. HEMENWAY. I do.

Mr. MADDOX. I understood you to say just now that we forgot that we were indebted to the Superintendent of the Census down here for appointments in the first instance.

Mr. HEMENWAY. I believe I said something of that kind.

Mr. MADDOX. Have you forgotten, however, that that original bill was to be a nonpartisan bill, that these appointments were to be nonpartisan, and that we did not owe that fact to him?

Mr. HEMENWAY. It is true that when the Republican party is in power it sometimes passes these nonpartisan bills. I do not believe our Democratic friends can ever be charged with anything of that kind.

Mr. UNDERWOOD. My friend is mistaken. The Democrats were in control of the Senate—

Mr. MADDOX. It is the President of the United States to whom we are indebted, and not the Superintendent.

Mr. HEMENWAY. All right, we will give the President the credit, then.

Mr. UNDERWOOD. The Democrats were in control of the



United States Senate when the census bill was originally passed. It was a compromise bill.

Mr. BURLISON. Is it not a fact that the salary of the Director of the Census was reduced from \$7,500 to \$6,000 when the Census Bureau was made permanent?

Mr. HEMENWAY. That is the fact, and we believe it ought to stay at that.

Mr. COWHERD. If the gentleman will allow me, I was not criticising his committee for raising these salaries. I was simply calling attention to the fact that if this committee thought that the Commissioner of Indian Affairs and the Commissioner of Pensions and the Commissioner of Patents did not receive enough salary, they could have raised those salaries in this bill, as they did some 15 or 20 other salaries. If they think these gentlemen are receiving salaries which are sufficient, then the members of that committee ought not to object to putting this other head of a bureau, the Director of the Census, on the same footing.

Mr. HEMENWAY. The gentlemen of the committee followed current law, and we believed that when the Congress of the United States fixed the salary of the Director of the Census at \$6,000 they did not fix it too high; and we believed that salary ought not to be decreased because gentlemen complain that clerks appointed for them by the Director of the Census have since been discharged because their services were no longer necessary.

[Here the hammer fell.]

Mr. COWHERD. I just want to say in response to that, that I stated specifically that I think the Director of the Census is to be praised and not blamed for discharging clerks; but after gentlemen made statements upon the floor of this House over and over again in regard to the creation of this Bureau, that it was to be nonpartisan, and after the bill was gotten through on representations of that kind, I state that it is not keeping good faith for the Director of the Census to discharge all the Democrats from his office and keep all the Republicans.

Mr. JOY. May I ask the gentleman a question before he takes his seat?

Mr. COWHERD. Yes.

Mr. JOY. I wish to ask a question of the gentleman in charge of this bill, the gentleman from Indiana [Mr. HEMENWAY]; and as his time has expired, I wish to ask the question through my colleague from Missouri [Mr. COWHERD].

Mr. COWHERD. That is a roundabout way.

Mr. JOY. I want to ask whether it is not true that the position of Superintendent of the Coast and Geodetic Survey requires as high a class of skill as that of Director of the Census?

Mr. HEMENWAY. "The gentleman from Indiana" is not competent to determine that question.

Mr. JOY. I should like to ask you another question: If existing law does not provide that the Superintendent of the Coast Survey shall receive \$6,000 per year, and if it is not also a fact that his salary is carried in the appropriation bills from year to year at only \$5,000?

Mr. HEMENWAY. I do not remember as to that exact salary, but we do appropriate for many salaries at less than the statutory allowance.

Mr. WILLIAMS of Illinois. Mr. Chairman, I move to strike out the last two words. I rise for the purpose of stating that I shall support the amendment offered by the gentleman from Missouri, not because the Director of the Census has seen fit to discharge clerks from my district, but because I think that his salary is too high, a higher salary than that paid to the heads of the other bureaus. No reason can be given why he should receive any higher salary than the Commissioner of Pensions. I simply want to say the salary is too high. I thought so at the time it was fixed, and I think so now. I think he ought to be put on an equal footing with the heads of other bureaus. His work requires no more ability and his duties are no greater than the Commissioner of Pensions or the Commissioner of Indian Affairs.

Mr. MADDOX. Mr. Chairman, I do not think any man on this side ought to complain that any of his clerks are discharged. Without claiming to be very egotistical or anything of that kind, I think I did my best on two or three occasions when that very thing was going on, to point out just what has been stated by my friend from Illinois would occur; and I want gentlemen to remember that they were put upon notice by me that it would happen, and it has happened. [Laughter and applause.]

Mr. BINGHAM. One word, Mr. Chairman. When this Congress at its first session organized the Census Bureau a permanent bureau of the Government, and the organization of that bureau was discussed, the salary of the Director of the Census was fixed by the same body of men who sit in this Hall now. The proposition is a simple one. If we agreed in the last session to give him \$6,000, is it too much? Is it your purpose to reduce him \$1,000? I have not heard any reasons submitted to this House in justification of doing so. The only reason given for it is the fact

that the Director of the Census under his discretionary power saw proper to drop a body of people and saw proper to retain a body of people. That is your question.

Mr. CRUMPACKER. Mr. Chairman, I desire to submit a few remarks upon this proposition. If this committee had attempted by its action to reduce the salary of the Director of the Census there would be some force, possibly, in the argument which has been offered in support of the motion of the gentleman from Missouri; but it is understood by all the members of the committee that if this motion prevails it does not affect the salary of the Director of the Census, but means only the payment of \$5,000 upon a \$6,000 liability. That is all. I do not believe, Mr. Chairman, that salaries fixed by public statute ought to be attempted to be controlled or affected by this kind of action. The Congress fixed the salary of the Director of the Census at \$6,000 a year when it made that Bureau a permanent institution. I believe that was a fair salary, but whether it is or not, this is not the time and this is not the occasion to settle that question. As the salary is fixed by a statute, it seems to me child's play to try to undertake to reduce the appropriation when the liability still exists and the amount of the salary will ultimately have to be paid. Therefore I hope the amendment of the gentleman from Missouri will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. COWHERD. Division.

The committee divided; and there were—ayes 42, yeas 51.

So the amendment was rejected.

The Clerk read as follows:

For rent of office for the surveyor-general, pay of messenger, stationery and supplies, lights, ice, post-office box rent, drafting instruments, mounting maps, towels, furniture and repairs, books of reference for office use, and other incidental expenses, \$1,815.

Mr. BINGHAM. Mr. Chairman, I desire the attention of the committee before I ask that the committee rise. On page 80 of the bill, commencing with line 3, "for continuing the employment of such temporary force of clerks," down to line 12 of the page, commencing with the word "persons," a point of order was raised to that part of the paragraph commencing in line 12, with the word "persons," down to line 18, including the word "appropriations." As I understood, the Chair ruled that the point of order was well taken; but the prior lines—line 3, inclusive to line 12, "and thirty dollars"—stand in the bill, no point of order having been made against it. Am I correctly informed?

The CHAIRMAN. The Chair understands that the gentleman from Missouri made the point of order against the paragraph from line 12 to 18, inclusive.

Mr. CLARK. That is correct.

The CHAIRMAN. And the point of order was sustained.

Mr. CLARK. That is all the point of order went to.

Mr. BINGHAM. Now, about the remaining portion of the paragraph, lines prior to lines 12 to 18.

The CHAIRMAN. No point of order was raised against that portion of the paragraph.

Mr. BINGHAM. The part of the paragraph to which the point of order was raised was, beginning with the word "person" in line 12 and ending with the word "appropriation" on line 18.

The CHAIRMAN. That point of order was sustained.

Mr. BINGHAM. And the other part of the paragraph stands in the bill.

Mr. CLARK. I never cared anything about that.

Mr. HEMENWAY. May I have the attention of the gentleman from Missouri. The gentleman made the point of order on the theory that this legislation prevented the transfer from the civil service to these places. I think the gentleman understands it differently now; that this legislation is only to prevent the taking of a clerk already in the classified service out of his place and providing for him in this lump sum. I hope the gentleman will withdraw the point of order, and let the legislation remain in the bill.

Mr. CLARK. There was another member who intended to make that same point of order. I believe I would do it myself if he were here, but I want to give him a chance to make it if he desires to do so.

Mr. HEMENWAY. We will agree to go back to that paragraph.

Mr. CLARK. I will agree to go back in the morning. I want to treat him squarely about it.

Mr. BINGHAM. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DALZELL having assumed the chair as Speaker pro tempore, Mr. MONDELL, Chairman



of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16021 and had come to no resolution thereon.

#### ADDITIONAL CLERKS TO COMMITTEE ON ENROLLED BILLS.

Mr. HENRY C. SMITH. Mr. Speaker, I call up a privileged resolution from the Committee on Accounts (House resolution 350).

The Clerk read as follows:

House resolution 350.

*Resolved*, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint two additional clerks to said committee, who shall be paid out of the contingent fund of the House at the rate of \$3 per day during the remainder of the present session.

The amendment recommended by the committee was read, as follows:

In line 5, after the word "day," insert the following: "from January 5, 1903, and thereafter." So that, if amended, the resolution will provide for compensation to said clerks from January 5, 1903, and thereafter during the remainder of the present session.

Mr. WACHTER. Mr. Speaker, I have an amendment to offer. The Clerk read as follows:

Amend the amendment by striking out the words "January 5, 1903," and inserting the words "December 18, 1902."

Mr. MADDOX. Mr. Speaker, I would like to inquire whether this has ever been done before?

Mr. HENRY C. SMITH. Yes; it is the customary resolution providing for two additional clerks for the Committee on Enrolled Bills.

Mr. BARTLETT. Has that resolution been reported by the Committee on Accounts?

Mr. HENRY C. SMITH. It has. It was reported from the committee. I want to say that there are 150 bills before this Committee on Enrolled Bills that have passed the House or been returned from the Senate, and the chairman has no help.

Mr. BARTLETT. May I ask the gentleman when this resolution went before the Committee on Accounts?

Mr. HENRY C. SMITH. It was considered at the last meeting; I think it was Monday, or some day last week. I think the gentleman from Georgia voted for it. [Laughter.]

Mr. BARTLETT. Oh, no; I did not. It is a new resolution to me. I did not get there at the last meeting until after some business had been transacted, if the gentleman will remember.

Mr. HENRY C. SMITH. I know the gentleman from Georgia usually "gets there." [Laughter.] This resolution was up and considered and discussed, and I was directed to make the report with an amendment that the salary should not be paid until January 5, when Congress reconvenes after the holidays. The gentleman from Maryland offers an amendment providing that the pay shall commence to-day. I have nothing to do or say about that, but I will yield time to him.

Mr. WACHTER. Mr. Speaker, there are between 150 and 200 bills in my committee, and there is no one there to do the work. I can not understand the quibbling by members over this resolution, because there may be gentlemen in this room who have private bills, and when they come and ask me to get them out I can not do it because I have no help. If there is any gentleman on the floor of this House who thinks a clerkship in the Committee on Enrolled Bills is a sinecure I will invite him in and let him see. I only want two clerks to facilitate the business. Bills have come over from the Senate and have laid there ever since the last session, and members are beseeching me from time to time to get their bills out, and I can not do it for the want of help.

Mr. MADDOX. Have you no clerks?

Mr. WACHTER. Only one, and it takes sometimes two and sometimes three to read bills. We have to pass upon the crossing of t's and the dotting of i's. I assure gentlemen that a clerkship in that committee is no sinecure. I can not deliver the bills unless I have the clerks to do the work.

Mr. BALL of Texas. Let me ask the gentleman why he proposes to pay the clerks for work not done, dating from the 1st of December?

Mr. WACHTER. I do not. My amendment provides that it shall begin the 16th of December.

Mr. JOY. I want to say one word, Mr. Speaker. The chairman of the Committee on Enrolled Bills has only one session clerk. During the session he has no private clerk, so there is only one session clerk to do his work and the committee work as well.

Mr. WACHTER. I want to say that during the last session of Congress I impressed into the service the doorkeeper, and we worked all night for four nights and four days. If anybody thinks it is a sinecure let him accept a clerkship on that committee and he will find out how hard the committee and clerks have to work.

The SPEAKER pro tempore. The question is on the amend-

ment offered by the gentleman from Maryland to the committee amendment.

The question was considered, and the amendment to the amendment was agreed to.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the resolution as amended.

Mr. BARTLETT. Mr. Speaker, I would like to have the resolution read as it will read when amended.

The Clerk read the resolution.

The resolution was agreed to.

On motion of Mr. HENRY C. SMITH, a motion to reconsider the last vote was laid on the table.

#### EASTERN CHEROKEES V. THE UNITED STATES.

Mr. SHERMAN. Mr. Speaker, I am directed by the Committee on Indian Affairs to report the following resolution of inquiry, and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That the Attorney-General of the United States is hereby requested to advise the House of Representatives, with all convenient speed, in the case of the Eastern Cherokees v. The United States, whether or not the award rendered under the Cherokee agreement of December 19, 1891, ratified by act of Congress approved March 3, 1893, as set forth in House Executive Document No. 182, of the Fifty-third Congress, third session, and the findings of fact of the Court of Claims of April 23, 1901, is res adjudicata; to review the opinion of the Department of Justice of December 2, 1895, and advise the House of Representatives whether the reasons set forth in that opinion now constitute a valid defense to the payment of said award.

There being no objection, the resolution was considered and adopted.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

#### PERSONAL EXPLANATION.

Mr. WANGER. Mr. Speaker, I desire to make a personal explanation by way of amendment of the RECORD of yesterday's proceedings.

The SPEAKER pro tempore. Without objection, the gentleman will be heard.

Mr. WANGER. When the call of the House was made, as I had a general pair with the gentleman from Georgia [Mr. ADAMSON], who had been called from the House by important business, I answered "present," and assumed that the pair would be announced. I was disappointed in that expectation. I ask that a statement may appear in the RECORD of the fact that there was that pair and that the pair was respected in my response of "present."

Mr. STEELE. A similar request was made this morning by the gentleman from Georgia [Mr. ADAMSON].

#### SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6151. An act granting an increase of pension to Henry E. Burton—to the Committee on Invalid Pensions.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 619. An act providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4067. An act granting an increase of pension to Julia L. Gordon; and

S. 4572. An act to grant honorable discharge from the military service of Charles H. Hawley.

#### LEAVE OF ABSENCE.

Mr. WATSON, by unanimous consent, obtained leave of absence until December 20.

Mr. BINGHAM. I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Commissioner of Immigration submitting an estimate of appropriation for improvements at the immigrant station at Ellis Island—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy



of a communication from the Secretary of State submitting an estimate of and recommendation relating to an appropriation for publication of commercial reports—to the Committees on Foreign Affairs and Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting correspondence relating to the claim of Juan Gatan—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, relating to the improvement of the Federal building at Richmond, Va.—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Register of the Treasury submitting an estimate of appropriation for employees in his office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for hospital at Vancouver Barracks—to the Committee on Military Affairs, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. DOUGHERTY, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 16066) to amend an act entitled "An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory," approved June 6, 1900, reported the same with amendments, accompanied by a report (No. 2881); which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 15850) authorizing the Secretary of State to pay the claims of the Compagnie Française des Cables Télégraphiques for compensation on account of expenses incurred in repairing the damage done to its cables and property by the military and naval authorities of the United States in Cuba during the Spanish-American war, reported the same without amendment, accompanied by a report (No. 2583); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2629, reported in lieu thereof a resolution (H. Res. 359) referring to the Court of Claims the papers in the case of Baltimore and Ohio Railroad Company, accompanied by a report (No. 2866); which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15686) for the relief of the legal representatives of Samuel Schiffer, reported the same without amendment, accompanied by a report (No. 2867); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15496) for reference of the claims of certain volunteer soldiers to the Court of Claims, reported the same without amendment, accompanied by a report (No. 2868); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 15560) for the relief of the contractor, or his legal representatives, for the construction of the light-draft monitor *Ellah*, reported the same without amendment, accompanied by a report (No. 2869); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 15849) authorizing the Secretary of State to pay the claim of the Eastern Extension Australasia and China Telegraph Company, Limited, for compensation on account of expenses incurred in repairing its Manila-Hongkong and Manila-Capiz cables, which were cut during the war with Spain, reported the same without amendment, accompanied by a report (No. 2870); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15848) authorizing the Secretary of State to pay the claim of the Cuba Submarine Telegraph Company for compensation on account of expenses incurred in repairing the damage done to its cables and property by United States forces during the war with Spain, reported the same without amendment, accompanied by a report (No. 2871); which said bill and report were referred to the Private Calendar.

Mr. KEHOE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 15657) for the relief of William Large, reported the same without amendment, accompanied by a report (No. 2872); which said bill and report were referred to the Private Calendar.

Mr. CALDWELL, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4112) for the relief of Erdman Bodenschatz, deceased, reported the same without amendment, accompanied by a report (No. 2873); which said bill and report were referred to the Private Calendar.

Mr. SPIGHT, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5746), reported in lieu thereof a resolution (H. Res. 360) referring to the Court of Claims the papers in the case of John D. Ryan, of Meridian, Miss., accompanied by a report (No. 2874); which said resolution and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 1188), reported in lieu thereof a bill (H. R. 16130) for the relief of the Methodist Episcopal Church (colored), corner of Fifth avenue and East Second street, at Rome, Ga., accompanied by a report (No. 2875); which said bill and report were referred to the Private Calendar.

Mr. KYLE, from the Committee on War Claims, to which was referred House bill H. R. 8607, reported in lieu thereof a resolution (H. Res. 361) referring to the Court of Claims the papers in the case of the estate of Daniel H. Avery, accompanied by a report (No. 2876); which said resolution and report were referred to the Private Calendar.

Mr. BULL, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 348) for the payment of six months' salary and funeral expense of Laurean J. Abbott, deceased, late an employee of the House, reported the same with amendment, accompanied by a report (No. 2877); which said report was ordered printed.

Mr. LITTLE, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3296) to pay certain (Indian) Choctaw warrants held by James M. Shackelford, reported the same without amendment, accompanied by a report (No. 2878); which said bill and report were referred to the Private Calendar.

Mr. BULL, from the Committee on Accounts, to which was referred the joint resolution of the House (H. J. Res. 227) providing for the paying of the officers and employees of the House and Senate their respective salaries for the month of December on the 18th day of said month, reported the same without amendment, accompanied by a report (No. 2879); which said report was ordered to be printed.

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. BULL, from the Committee on Accounts, to which was referred the resolution of the House (H. Res. 185) providing for the appointment of additional help in the House bathing rooms, reported the same adversely, accompanied by a report (No. 2880); which said report was ordered to lie on the table.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 15887) granting a pension to Daniel McCusker—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15908) granting a pension to Addison Arnold—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. PEARRE: A bill (H. R. 16127) to amend an act to regulate the practice of pharmacy in the District of Columbia, approved June 15, 1878—to the Committee on the District of Columbia.

By Mr. JENKINS: A bill (H. R. 16128) amending an act entitled "An act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," approved March 3, 1899, and an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900, and for other purposes—to the Committee on the Judiciary.

By Mr. ACHESON: A bill (H. R. 16129) providing for the grading and improving of Chesapeake street, in the city of Washington, D. C.—to the Committee on Appropriations.



By Mr. BROMWELL: A bill (H. R. 16131) to amend section 6, act of March 3, 1883, in regard to outdoor relief by Soldiers' Home—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 16132) making the anniversary of the discovery of America by Christopher Columbus a legal holiday—to the Committee on the Judiciary.

By Mr. KEHOE: A bill (H. R. 16133) to extend the time for presentation of claims under the act entitled "An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain," approved July 8, 1898, and under acts amendatory thereof—to the Committee on War Claims.

By Mr. SIBLEY: A bill (H. R. 16134) increasing appropriation for public building at Oil City, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. GAINES of Tennessee: A bill (H. R. 16135) to make further appropriation for an addition to and improvement of the Federal building at Nashville, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 16136) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895—to the Committee on the District of Columbia.

By Mr. TONGUE: A bill (H. R. 16137) to amend an act to provide for the adjudication and payment of the claims arising from Indian depredations, approved March 3, 1891 (26 Stat. L., 851)—to the Committee on Indian Affairs.

By Mr. HUGHES: A bill (H. R. 16138) granting the right of way to the Kenova Big Sandy Railway Company through the Government lands at Lock No. 2, Big Sandy River, and at Lock No. 3, Big Sandy River, both in Wayne County, W. Va.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 16139) to authorize the Norfolk and Western Railway Company to bridge the Tug Fork of Big Sandy River at certain points where the same forms the boundary line between the States of West Virginia and Kentucky—to the Committee on Rivers and Harbors.

By Mr. GLASS: A bill (H. R. 16140) to erect a custom-house and post-office building in the city of South Boston, Va.—to the Committee on Public Buildings and Grounds.

By Mr. MUDD: A bill (H. R. 16141) for the extension of Anacostia avenue—to the Committee on the District of Columbia.

By Mr. HUGHES: A bill (H. R. 16142) providing for public building at Bluefield, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. GLENN: A bill (H. R. 16156) relating to ceded lands on the Fort Hall Indian Reservation—to the Committee on Indian Affairs.

By Mr. MAHON, from the Committee on War Claims: A resolution (H. Res. 359) referring to the Court of Claims for consideration bill H. R. 2629—to the Private Calendar.

By Mr. SPIGHT, from the Committee on War Claims: A resolution (H. Res. 360) referring to the Court of Claims for consideration bill H. R. 5746—to the Private Calendar.

By Mr. KYLE, from the Committee on War Claims: A resolution (H. Res. 361) referring to the Court of Claims H. R. 8607—to the Private Calendar.

By Mr. OTJEN: A resolution (H. Res. 362) referring certain claims to the Court of Claims for the finding of facts under the terms of the Tucker Act—to the Committee on War Claims.

By Mr. McCALL: A resolution (H. Res. 363) requesting information from the Secretary of State regarding demonstrations against Venezuela by England and Germany—to the Committee on Foreign Affairs.

By Mr. SULLOWAY: A resolution (H. Res. 364) providing for the appointment of a janitor for the library of the House of Representatives—to the Committee on Accounts.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MAHON, from the Committee on War Claims: A bill (H. R. 16130) for the relief of the Methodist Episcopal Church (colored), corner of Fifth avenue and East Second street, at Rome, Ga.—to the Private Calendar.

By Mr. BARNEY: A bill (H. R. 16143) granting a pension to Mary E. H. Smith—to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 16144) granting a pension to William C. Banks—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: A bill (H. R. 16145) granting an increase of pension to Lewis T. Holstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16146) granting a pension to Andrew Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16147) granting an honorable discharge to Michael Devine—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 16148) granting an increase of pension to Harry F. Libby—to the Committee on Pensions.

By Mr. CROWLEY: A bill (H. R. 16149) granting an increase of pension to William Shup—to the Committee on Pensions.

By Mr. COWHERD: A bill (H. R. 16150) for the relief of James G. Field—to the Committee on Naval Affairs.

By Mr. DARRAGH: A bill (H. R. 16151) granting an increase of pension to Harmon P. Cole—to the Committee on Invalid Pensions.

By Mr. DOUGLAS (by request): A bill (H. R. 16152) to provide United States registry for the steamer Success—to the Committee on the Merchant Marine and Fisheries.

By Mr. PAYNE: A bill (H. R. 16153) granting a pension to George W. Choate—to the Committee on Pensions.

By Mr. GRIFFITH: A bill (H. R. 16154) granting an increase of pension to David Ennis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16155) granting an increase of pension to Catharine Sprague—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 16157) granting an increase of pension to John L. Cease—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 16158) granting a pension to Adaline McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16159) granting a pension to Lydia E. Nichol—to the Committee on Invalid Pensions.

By Mr. HILDEBRANT: A bill (H. R. 16160) granting an increase of pension to William T. Armstrong—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 16161) granting an increase of pension to Francis A. Tradewell—to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 16162) granting an increase of pension to George Brown—to the Committee on Invalid Pensions.

By Mr. LOUD (by request): A bill (H. R. 16163) to remove the charge of desertion standing against the record of Charles Ellis, United States Navy—to the Committee on Military Affairs.

By Mr. LOVERING: A bill (H. R. 16164) granting a pension to George C. Peterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16165) granting a pension to Elizabeth A. Hatch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16166) granting an increase of pension to Annie Fitzpatrick—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 16167) granting a pension to Andrew J. Manley—to the Committee on Invalid Pensions.

By Mr. MOODY of North Carolina: A bill (H. R. 16168) for the relief of the estate of Harry Johnson—to the Committee on War Claims.

Also, a bill (H. R. 16169) for the relief of Thomas M. Kuykendall—to the Committee on Military Affairs.

Also, a bill (H. R. 16170) to correct the military record of Capt. Enoch Voyles—to the Committee on Military Affairs.

By Mr. MORRELL: A bill (H. R. 16171) to correct the military record of Francis Remline—to the Committee on Military Affairs.

By Mr. PARKER: A bill (H. R. 16172) granting an increase of pension to Alonzo Dutch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16173) granting an increase of pension to Elisha B. Fielding—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 16174) granting an increase of pension to Jerminham Boone—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 16175) granting an increase of pension to John T. Deweese—to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 16176) granting an increase of pension to Lewis C. Bonner—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 16177) granting a pension to Sarah Larison—to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 16178) granting an increase of pension to John La More—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 16179) granting an increase of pension to Columbus Van Horn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16180) granting a pension to Henry C. Cunningham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16181) granting a pension to Jerome Burns—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 16182) for the relief of John W. White—to the Committee on War Claims.

Also, a bill (H. R. 16183) granting an increase of pension to Mary F. Anderson—to the Committee on Invalid Pensions.



Also, a bill (H. R. 16184) granting a pension to Robert N. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16185) granting an increase of pension to Harmon Patch—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 16186) for the relief of the estate of Timothy Burgess, deceased—to the Committee on War Claims.

Also, a bill (H. R. 16187) for the relief of W. S. Feland, late deputy collector of the second district of Kentucky—to the Committee on Claims.

Also, a bill (H. R. 16188) for the relief of Mary Bronaught, widow of Lieut. Commander William V. Bronaught—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 16189) granting a pension to Emma C. Dewhurst—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 16190) granting a pension to Mary L. Alverson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16191) granting a pension to William J. Tanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16192) granting an increase of pension to Alonzo F. Canfield—to the Committee on Invalid Pensions.

By Mr. DAVIDSON: A bill (H. R. 16193) granting a pension to Sarah V. Myers—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 16194) granting an increase of pension to Joseph Addams—to the Committee on Invalid Pensions.

By Mr. BURKETT: A bill (H. R. 16195) granting an increase of pension to I. S. Prosser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16196) granting a pension to Gen. Victor Vifquain—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 16197) granting a pension to Stephen T. Wilcox—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 16198) granting a pension to Martin W. Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16199) granting an increase of pension to McDonald Bumgarner—to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 16200) granting an increase of pension to William Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 16201) granting an increase of pension to Jeffrey Hufford—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of George L. Hill and others, of Fredericktown, Pa., favoring House bills 178 and 179—to the Committee on Ways and Means.

Also, petitions of Central Presbyterian Church and Greenside Avenue Church, of Canonsburg, Pa., for the passage of a bill to forbid the sale of intoxicating liquors in all Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ADAMS: Resolutions of the Philadelphia Board of Trade, in relation to House bill 3076—to the Committee on Labor.

Also, resolutions of the Philadelphia Board of Trade, against the passage of Senate bill 1118—to the Committee on the Judiciary.

By Mr. ALEXANDER: Resolutions of the Schoolmasters Club, of Erie County, N. Y., against the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. BENTON: Petition of Harmon Conley, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BROMWELL: Petition of sundry citizens of Cincinnati, Ohio, asking for favorable action upon the bill reducing the tax on liquor—to the Committee on Ways and Means.

Also, petition of William S. Merrill Chemist Company, in regard to drawback to certain industries—to the Committee on Ways and Means.

Also, petition of 300 American citizens of the Isle of Pines, in relation to its government, and asking that it be retained as a part of the territory of the United States—to the Committee on Insular Affairs.

By Mr. BURKETT: Papers to accompany House bill granting a pension to S. H. King—to the Committee on Invalid Pensions.

By Mr. CAPRON: Petition of Hazard & Cutler and other citizens of Woonsocket, R. I., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

By Mr. CROMER: Petition of T. J. Halden and other employees of the Charles Bolt Glass Company, of Muncie, Ind., favoring House bills 178 and 179—to the Committee on Ways and Means.

By Mr. CROWLEY: Paper to accompany House bill granting

an increase of pension to William Shup—to the Committee on Pensions.

By Mr. DAVIDSON: Petition of A. G. Wells & Co. and others, of Oakfield, Wis., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. GRIFFITH: Paper to accompany House bill granting an increase of pension to David Ennis—to the Committee on Invalid Pensions.

By Mr. HEDGE (by request): Resolutions of St. Boniface Benevolent Society, of Burlington, Iowa, in relation to religious orders in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. HAY: Petition of heir of James and Eliza Lewis, deceased, late of Frederick County, Va., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. HILDEBRANT: Papers to accompany House bill for increase of pension of William T. Armstrong, Higginsport, Ohio—to the Committee on Invalid Pensions.

By Mr. LOVERING: Papers to accompany House bill granting a pension to Elizabeth A. Hatch—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Mrs. Annie Fitzpatrick—to the Committee on Invalid Pensions.

By Mr. MOON (by request): Petition of Amanda M. Rolan and others, for relief—to the Committee on Appropriations.

By Mr. MOODY of North Carolina: Papers to accompany House bill to correct the military record of Thomas M. Kuykendall—to the Committee on Military Affairs.

Also, papers to accompany House bill relating to the correction of the military record of Enoch Voyles—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of S. F. Hess & Co. and others, of Rochester, N. Y., for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. ROBINSON of Indiana: Petition of A. R. Otis, of Kendallville, Ind., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. RYAN: Resolutions of the Manufacturers' Club of Buffalo, N. Y., favoring bill to grant permission to the Mather Power Bridge Company to erect experimental span in Niagara River at Buffalo, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALENBERGER: Papers to accompany House bill 16016, for increase of pension of William H. Allen—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 16017, for increase of pension of John B. Fisk—to the Committee on Invalid Pensions.

Also, paper to accompany House bill 16018, granting an increase of pension to Elijah F. Cowles—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 15860, granting an increase of pension to Ebenezer L. Beach—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 4175, granting an increase of pension to Alpheus D. Brown—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: Petition of citizens of Jackson, Mich., asking for the removal of the tariff on certain glass products—to the Committee on Ways and Means.

Also, petition of Foote & Jenks and others, of Jackson, Mich., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SOUTHWICK: Petition of S. I. Nustaum and others, of New York, favoring House bills 178 and 179—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Petition of citizens of Jones, Onslow, and Carteret counties, N. C., for the improvement of White Oak River—to the Committee on Rivers and Harbors.

By Mr. WARNOCK: Papers to accompany House bill granting a pension to Robert N. Porter—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Mrs. A. N. Anderson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Harrison Patch—to the Committee on Invalid Pensions.

Also, papers to accompany House bill relating to the claim of John W. White—to the Committee on War Claims.

By Mr. WHEELER: Paper relating to the claim of W. S. Feland—to the Committee on Claims.

Also, papers to accompany House bill granting a pension to the widow of the late Lieut. Commander William V. Bronaugh, United States Navy—to the Committee on Invalid Pensions.